

**As Pending in the Senate Finance and Financial Institutions
Committee**

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

Sub. H. B. No. 119

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Assembly, as subsequently amended, to amend	141
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General Assembly, to amend Section 203.20 of Sub.	143
S.B. 321 of the 126th General Assembly, to amend	144
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General Assembly, to amend the version of section	148
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and to provide authorization and conditions for	155
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4117.08 and to confirm and to order complete 159
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to make other specifications pertaining to that 166
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section on that date. 170

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

Section 101.01. That sections 9.30, 9.821, 9.822, 9.823, 171
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5747.77, 5748.022, 5907.16, and 6111.0381 of the Revised Code be 266
enacted to read as follows: 267

Sec. 9.30. The appropriate public officer of the state, 268
county, municipal corporation, township, school, or other public 269
body or institution, may acquire the service, product, or 270
commodity of a public utility at the schedule of rates and charges 271
applicable to such service, product, or commodity on file with the 272
public utilities commission, or the applicable charge established 273
by a utility operating its property not for profit, at any 274
location where such public utility service, product, or commodity 275
is not available, from alternate public utilities, without the 276
necessity of advertising to obtain bids, and without notice, 277
irrespective of the amount of money involved. Nothing in this 278
section supersedes sections 125.01 to 125.15 of the Revised Code 279
for the acquisition of telecommunication utility services by state 280
agencies. 281

Sec. 9.821. (A) The department of administrative services 282
shall direct and manage for state agencies all risk management and 283

insurance programs authorized under section 9.822 of the Revised Code. 284
285

(B) The office of risk management is hereby established 286
within the department of administrative services. The director of 287
administrative services, or a deputy director appointed by the 288
director, shall control and supervise the office. 289

(C) The office may take any of the following actions that it 290
determines to be in the best interests of the state: 291

(1) Provide all insurance coverages for the state, including, 292
but not limited to, automobile liability, casualty, property, 293
public liability, and, ~~except as provided in division (C)(6) of~~ 294
~~this section, fidelity bond insurance bonding.~~ The cost of 295
insurance coverage shall be paid from appropriations made to the 296
state agencies that the office has designated to receive the 297
coverage. 298

(2) Provide coverage of legal expenses that are necessary and 299
related to the legal defense of claims against the state; 300

(3) Purchase insurance policies consistent with sections 301
125.01 to 125.111 of the Revised Code, develop and administer 302
self-insurance programs, or do both; 303

(4) Consolidate and combine state insurance coverages; 304

(5) Provide technical services in risk management and 305
insurance to state agencies; 306

~~(6)(a) Establish and administer a self-insured fidelity bond 307
program for a particular class or subclass of state officer,~~ 308
~~employee, or agent, if, prior to the establishment and 309
administration of this program, the director does both of the 310
following: 311~~

~~(i) Holds a hearing in accordance with Chapter 119. of the 312
Revised Code to determine whether fidelity bond insurance for that 313~~

~~particular class or subclass of state officer, employee, or agent
is available in the voluntary market;~~ 314
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~~(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.~~ 316
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~~(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.~~ 327
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~~(7) Except as provided in division (C)(6) of this section,
adopt Adopt and publish, in accordance with section 111.15 of the
Revised Code, necessary rules and procedures governing the
administration of the state's insurance and risk management
activities.~~ 331
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(D) No state agency, except a state agency exempted under 336
section 125.02 or 125.04 of the Revised Code from the department's 337
purchasing authority, shall purchase any insurance described in 338
this section except as authorized by the department, when the 339
office of risk management determines that the purchase is in the 340
best interest of the state pursuant to division (C)(1) of this 341
section, and in accordance with terms, conditions, and procurement 342
methods established by the department. 343

(E) With respect to any civil action, demand, or claim 344

against the state that could be filed in the court of claims, 345
nothing in sections 9.82 to 9.823 of the Revised Code shall be 346
interpreted to permit the settlement or compromise of those civil 347
actions, demands, or claims, except in the manner provided in 348
Chapter 2743. of the Revised Code. 349

Sec. 9.822. (A) The department of administrative services 350
through the office of risk management shall establish an insurance 351
plan or plans that may provide for self-insurance or the purchase 352
of insurance, or both, for ~~any~~ either of the following purposes: 353

(1) Insuring state real and personal property against losses 354
occasioned by fire, windstorm, or other accidents and perils; 355

(2) Insuring the state and its officers and employees against 356
liability resulting from any civil action, demand, or claim 357
against the state or its officers and employees arising out of any 358
act or omission of an officer or employee in the performance of 359
official duties, except acts and omissions for which 360
indemnification is prohibited under section 9.87 of the Revised 361
Code. 362

~~(3) Insuring~~ (B) The department of administrative services 363
through the office of risk management shall establish one or more 364
insurance plans that provide for the purchase of insurance for the 365
purpose of insuring the state through the fidelity bonding of 366
state officers, employees, and agents who are required by law to 367
provide a fidelity bond. Nothing in this section shall be 368
construed to allow the department of administrative services 369
through the office of risk management to administer the state's 370
fidelity bonding program through a program of self-insurance. 371

~~(B)(1) Prior to the establishment of any self insured~~ 372
~~fidelity bond program for a particular class or subclass of state~~ 373
~~officer, employee, or agent authorized pursuant to division (A)(3)~~ 374
~~of this section, the director of administrative services shall~~ 375

~~follow the procedures for holding a hearing and adopting rules set forth in division (C)(6)(a) of section 9.821 of the Revised Code.~~ 376
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~~(2) Division (B)(1) 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.~~ 378
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~~(3) The director shall prepare annually a written report detailing any self-insured fidelity bond program established pursuant to division (A)(3) of this section. The report shall include, but is not limited to, information relating to premiums collected, income from recovery, loss experience, and administrative costs of the program. A copy of the report, together with a copy of those portions of the most recent reports submitted under division (D) of section 9.823 of the Revised Code that pertain to any such self-insured fidelity bond program, shall be submitted to the speaker of the house of representatives and the president of the senate by the last day of March of each year.~~ 382
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Sec. 9.823. (A) All contributions collected by the director of administrative services under division (E) of this section shall be deposited into the state treasury to the credit of the risk management reserve fund, which is hereby created. The fund shall be used to provide insurance and self-insurance for the state under ~~section~~ sections 9.822 and 9.83 of the Revised Code. All investment earnings of the fund shall be credited to it. 393
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(B) The director, through the office of risk management, shall operate the risk management reserve fund on an actuarially sound basis. 400
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(C) Reserves shall be maintained in the risk management reserve fund in any amount that is necessary and adequate, in the exercise of sound and prudent actuarial judgment, to cover potential liability claims, expenses, fees, or damages. Money in 403
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the fund may be applied to the payment of liability claims that 407
are filed against the state in the court of claims and determined 408
in the manner provided for under Chapter 2743. of the Revised 409
Code. The director may procure the services of a qualified 410
actuarial firm for the purpose of recommending the specific amount 411
of money that would be required to maintain adequate reserves for 412
a given period of time. 413

(D) A report of the amounts reserved and disbursements made 414
from the reserves, together with a written report of a competent 415
property and casualty actuary, shall be submitted, on or before 416
the last day of March for the preceding calendar year, to the 417
speaker of the house of representatives and the president of the 418
senate. The actuary shall certify the adequacy of the rates of 419
contributions, the sufficiency of excess insurance, and whether 420
the amounts reserved conform to the requirements of this section, 421
are computed in accordance with accepted loss reserving standards, 422
and are fairly stated in accordance with sound loss reserving 423
principles. The report shall include disbursements made for the 424
administration of the fund, including claims paid, cost of legal 425
representation of state agencies and employees, and fees paid to 426
consultants. 427

(E) The director shall collect from each state agency or any 428
participating state body its contribution to the risk management 429
reserve fund for the purpose of purchasing insurance or 430
administering self-insurance programs for coverages authorized 431
under ~~section~~ sections 9.822 and 9.83 of the Revised Code. The 432
contribution shall be determined by the director, with the 433
approval of the director of budget and management, and shall be 434
based upon actuarial assumptions and the relative risk and loss 435
experience of each state agency or participating state body. The 436
contribution shall further include a reasonable sum to cover the 437
department's administrative costs. 438

Sec. 9.83. (A) The state and any political subdivision may 439
procure a policy or policies of insurance insuring its officers 440
and employees against liability for injury, death, or loss to 441
person or property that arises out of the operation of an 442
automobile, truck, motor vehicle with auxiliary equipment, 443
self-propelling equipment or trailer, aircraft, or watercraft by 444
the officers or employees while engaged in the course of their 445
employment or official responsibilities for the state or the 446
political subdivision. The state is authorized to expend funds to 447
pay judgments that are rendered in any court against its officers 448
or employees and that result from such operation, and is 449
authorized to expend funds to compromise claims for liability 450
against its officers or employees that result from such operation. 451
No insurer shall deny coverage under such a policy, and the state 452
shall not refuse to pay judgments or compromise claims, on the 453
ground that an automobile, truck, motor vehicle with auxiliary 454
equipment, self-propelling equipment or trailer, aircraft, or 455
watercraft was not being used in the course of an officer's or 456
employee's employment or official responsibilities for the state 457
or a political subdivision unless the officer or employee who was 458
operating an automobile, truck, motor vehicle with auxiliary 459
equipment, or self-propelling equipment or trailer is convicted of 460
a violation of section 124.71 of the Revised Code as a result of 461
the same events. 462

(B) Funds shall be reserved as necessary, in the exercise of 463
sound and prudent actuarial judgment, to cover potential expense, 464
fees, damage, loss, or other liability. The ~~superintendent of~~ 465
~~insurance~~ office of risk management may recommend or, if the state 466
requests of the ~~superintendent~~ office of risk management, shall 467
recommend, a specific amount for any period of time that, in the 468
~~superintendent's~~ opinion of the office of risk management, 469
represents such a judgment. 470

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

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

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

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

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

~~(H) Reserves shall be maintained in the vehicle liability risk management reserve fund to the credit of the vehicle~~

liability program in any amount that is necessary and adequate, in 502
the exercise of sound and prudent actuarial judgment, to cover 503
potential liability claims, expenses, fees, or damages. Money in 504
the fund may be applied to the payment of liability claims that 505
are filed against the state in the court of claims and determined 506
in the manner provided in Chapter 2743. of the Revised Code. The 507
director of administrative services may procure the services of a 508
qualified actuarial firm for the purpose of recommending the 509
specific amount of money that is required to maintain adequate 510
reserves for a specified period of time. 511

~~(I)~~(H) The director of administrative services shall collect 512
from each state agency or any participating state body its 513
contribution to the vehicle liability ~~fund~~ program for the purpose 514
of purchasing insurance or administering self-insurance programs 515
for coverage authorized under this section. The amount of the 516
contribution shall be determined by the director, with the 517
approval of the director of budget and management. It shall be 518
based upon actuarial assumptions and the relative risk and loss 519
experience of each state agency or participating state body. The 520
amount of the contribution also shall include a reasonable sum to 521
cover administrative costs of the department of administrative 522
services. The amounts collected pursuant to this division shall be 523
deposited in the risk management reserve fund to the credit of the 524
vehicle liability program. 525

Sec. 107.12. (A) As used in this section, "organization" 526
means a faith-based or other organization that is exempt from 527
federal income taxation under section 501(c)(3) of the Internal 528
Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 529
provides charitable services to needy residents of this state. 530

(B) There is hereby established within the office of the 531
governor the governor's office of faith-based and community 532

initiatives. The office shall: 533

(1) Serve as a clearinghouse of information on federal, 534
state, and local funding for charitable services performed by 535
organizations; 536

(2) Encourage organizations to seek public funding for their 537
charitable services; 538

(3) Act as a liaison between state agencies and 539
organizations; 540

(4) Advise the governor, general assembly, and the advisory 541
board of the governor's office of faith-based community 542
initiatives on the barriers that exist to collaboration between 543
organizations and governmental entities and on ways to remove the 544
barriers. 545

(C) The governor shall appoint an executive assistant to 546
manage the office and perform or oversee the performance of the 547
duties of the office. 548

(D)(1) There is hereby created the advisory board of the 549
governor's office of faith-based and community initiatives. The 550
board shall consist of members appointed as follows: 551

(a) The directors of aging, alcohol and drug addiction 552
services, rehabilitation and correction, health, job and family 553
services, mental health, and youth services shall each appoint to 554
the board one employee of that director's department. 555

(b) The speaker of the house of representatives shall appoint 556
to the board two members of the house of representatives, not more 557
than one of whom shall be from the same political party and at 558
least one of whom shall be from the legislative black caucus. The 559
speaker of the house of representatives shall consult with the 560
president of the legislative black caucus in making the 561
legislative black caucus member appointment. The president of the 562

senate shall appoint to the board two members of the senate, not 563
more than one of whom shall be from the same political party. 564

(c) The governor, speaker of the house of representatives, 565
and president of the senate shall each appoint to the board three 566
representatives of the nonprofit, faith-based and other nonprofit 567
community. 568

~~(2) The appointments to the board shall be made within thirty 569~~
~~days after the effective date of this section.~~ Terms of the office 570
shall be one year. Any vacancy that occurs on the board shall be 571
filled in the same manner as the original appointment. The members 572
of the board shall serve without compensation. 573

(3) At its initial meeting, the board shall elect a 574
chairperson. The chairperson shall be a member of the board who is 575
a member of the house of representatives. 576

(E) The board shall do both of the following: 577

(1) Provide direction, guidance, and oversight to the office; 578

(2) Publish a report of its activities on or before the first 579
day of August of each year, and deliver copies of the report to 580
the governor, the speaker and minority leader of the house of 581
representatives, and the president and minority leader of the 582
senate. 583

(F) No member of the board or organization that the member is 584
affiliated or involved with is eligible to receive any grant that 585
the office administers or assists in administering. 586

Sec. 107.40. (A) There is hereby created the governor's 587
residence advisory commission. The commission shall provide for 588
the preservation, restoration, acquisition, and conservation of 589
all decorations, objects of art, chandeliers, china, silver, 590
statues, paintings, furnishings, accouterments, and other 591
aesthetic materials that have been acquired, donated, loaned, or 592

otherwise obtained by the state for the governor's residence and 593
that have been approved by the commission. In addition, the 594
commission shall provide for the maintenance of plants that have 595
been acquired, donated, loaned, or otherwise obtained by the state 596
for the governor's residence and that have been approved by the 597
commission. 598

(B) The commission shall be responsible for the care, 599
provision, repair, and placement of furnishings and other objects 600
and accessories of the grounds and public areas of the first story 601
of the governor's residence and for the care and placement of 602
plants on the grounds. In exercising this responsibility, the 603
commission shall preserve and seek to further establish all of the 604
following: 605

(1) The authentic ambiance and decor of the historic era 606
during which the governor's residence was constructed; 607

(2) The grounds as a representation of Ohio's natural 608
ecosystems; 609

(3) The heritage garden for all of the following purposes: 610

(a) To preserve, sustain, and encourage the use of native 611
flora throughout the state; 612

(b) To replicate the state's physiographic regions, plant 613
communities, and natural landscapes; 614

(c) To serve as an educational garden that demonstrates the 615
artistic, industrial, political, horticultural, and geologic 616
history of the state through the use of plants; 617

(d) To serve as a reservoir of rare species of plants from 618
the physiographic regions of the state. 619

These duties shall not affect the obligation of the 620
department of administrative services to provide for ~~the~~ and adopt 621
policies and procedures regarding the use, general maintenance, 622

and operating expenses of the governor's residence. 623

(C) The commission shall consist of eleven members. One 624
member shall be the director of administrative services or the 625
director's designee, who shall serve during the director's term of 626
office and shall serve as chairperson. One member shall be the 627
director of the Ohio historical society or the director's 628
designee, who shall serve during the director's term of office and 629
shall serve as vice-chairperson. One member shall represent the 630
Columbus landmarks foundation. One member shall represent the 631
Bexley historical society. One member shall be the mayor of the 632
city of Bexley, who shall serve during the mayor's term of office. 633
One member shall be the chief executive officer of the Franklin 634
park conservatory joint recreation district, who shall serve 635
during the term of employment as chief executive officer. The 636
remaining five members shall be appointed by the governor with the 637
advice and consent of the senate. The five members appointed by 638
the governor shall be persons with knowledge of Ohio history, 639
architecture, decorative arts, or historic preservation, and one 640
of those members shall have knowledge of landscape architecture, 641
garden design, horticulture, and plants native to this state. 642

(D) Of the initial appointees, the representative of the 643
Columbus landmarks foundation shall serve for a term expiring 644
December 31, 1996, and the representative of the Bexley historical 645
society shall serve for a term expiring December 31, 1997. Of the 646
five members appointed by the governor, three shall serve for 647
terms ending December 31, 1998, and two shall serve for terms 648
ending December 31, 1999. Thereafter, each term shall be for four 649
years, commencing on the first day of January and ending on the 650
last day of December. The member having knowledge of landscape 651
architecture, garden design, horticulture, and plants native to 652
this state initially shall be appointed upon the first vacancy on 653
the commission occurring on or after June 30, 2006. 654

Each member shall hold office from the date of the member's 655
appointment until the end of the term for which the member was 656
appointed. Any member appointed to fill a vacancy occurring prior 657
to the end of the term for which the member's predecessor was 658
appointed shall hold office for the remainder of the term. Any 659
member shall continue in office subsequent to the expiration of 660
the term until the member's successor takes office. 661

(E) Six members of the commission constitute a quorum, and 662
the affirmative vote of six members is required for approval of 663
any action by the commission. 664

(F) After each initial member of the commission has been 665
appointed, the commission shall meet and select one member as 666
secretary and another as treasurer. Organizational meetings of the 667
commission shall be held at the time and place designated by call 668
of the chairperson. Meetings of the commission may be held 669
anywhere in the state and shall be in compliance with Chapters 670
121. and 149. of the Revised Code. The commission may adopt, 671
pursuant to section 111.15 of the Revised Code, rules necessary to 672
carry out the purposes of this section. 673

(G) Members of the commission shall serve without 674
remuneration, but shall be compensated for actual and necessary 675
expenses incurred in the performance of their official duties. 676

(H) All expenses incurred in carrying out this section are 677
payable solely from money accrued under this section or 678
appropriated for these purposes by the general assembly, and the 679
commission shall incur no liability or obligation beyond such 680
money. 681

(I) The Except as otherwise provided in this division, the 682
commission may accept any payment for the use of the governor's 683
residence or may accept any donation, gift, bequest, or devise for 684
the governor's residence or as an endowment for the maintenance 685

and care of the garden on the grounds of the governor's residence 686
in furtherance of its duties. The commission shall not accept any 687
donation, gift, bequest, or devise from a person, individual, or 688
member of an individual's immediate family if the person or 689
individual is receiving payments under a contract with the state 690
or a state agency for the purchase of supplies, services, or 691
equipment or for the construction, reconstruction, improvement, 692
enlargement, alteration, repair, painting, or decoration of a 693
public improvement, except for payments received under an 694
employment contract or a collective bargaining agreement. Any 695
revenue received by the commission shall be deposited into the 696
governor's residence fund, which is hereby established in the 697
state treasury, for use by the commission in accordance with the 698
performance of its duties. All investment earnings of the fund 699
shall be credited to the fund. Title to all property acquired by 700
the commission shall be taken in the name of the state and shall 701
be held for the use and benefit of the commission. 702

(J) Nothing in this section limits the ability of a person or 703
other entity to purchase decorations, objects of art, chandeliers, 704
china, silver, statues, paintings, furnishings, accouterments, 705
plants, or other aesthetic materials for placement in the 706
governor's residence or on the grounds of the governor's residence 707
or donation to the commission. No such object or plant, however, 708
shall be placed on the grounds or public areas of the first story 709
of the governor's residence without the consent of the commission. 710

(K) The heritage garden established under this section shall 711
be officially known as "the heritage garden at the Ohio governor's 712
residence." 713

(L) As used in this section, "heritage garden" means the 714
botanical garden of native plants established at the governor's 715
residence. 716

Sec. 109.521. There is hereby created in the state treasury 717
the bureau of criminal identification and investigation asset 718
forfeiture and cost reimbursement fund. All amounts awarded to the 719
bureau of criminal identification and investigation as a result of 720
shared federal asset forfeiture and state and local moneys 721
designated as restitution for reimbursement of the costs of 722
investigations shall be deposited into this fund. The moneys in 723
this fund shall be used in accordance with federal asset 724
forfeiture rules, regulations, and laws. Interest earned on the 725
money in this fund shall be credited to the fund. 726

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 727
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 728
of the Revised Code, a completed form prescribed pursuant to 729
division (C)(1) of this section, and a set of fingerprint 730
impressions obtained in the manner described in division (C)(2) of 731
this section, the superintendent of the bureau of criminal 732
identification and investigation shall conduct a criminal records 733
check in the manner described in division (B) of this section to 734
determine whether any information exists that indicates that the 735
person who is the subject of the request previously has been 736
convicted of or pleaded guilty to any of the following: 737

(a) A violation of section 2903.01, 2903.02, 2903.03, 738
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 739
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 740
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 741
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 742
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 743
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 744
2925.06, or 3716.11 of the Revised Code, felonious sexual 745
penetration in violation of former section 2907.12 of the Revised 746
Code, a violation of section 2905.04 of the Revised Code as it 747

existed prior to July 1, 1996, a violation of section 2919.23 of 748
the Revised Code that would have been a violation of section 749
2905.04 of the Revised Code as it existed prior to July 1, 1996, 750
had the violation been committed prior to that date, or a 751
violation of section 2925.11 of the Revised Code that is not a 752
minor drug possession offense; 753

(b) A violation of an existing or former law of this state, 754
any other state, or the United States that is substantially 755
equivalent to any of the offenses listed in division (A)(1)(a) of 756
this section. 757

(2) On receipt of a request pursuant to section 5123.081 of 758
the Revised Code with respect to an applicant for employment in 759
any position with the department of mental retardation and 760
developmental disabilities, pursuant to section 5126.28 of the 761
Revised Code with respect to an applicant for employment in any 762
position with a county board of mental retardation and 763
developmental disabilities, or pursuant to section 5126.281 of the 764
Revised Code with respect to an applicant for employment in a 765
direct services position with an entity contracting with a county 766
board for employment, a completed form prescribed pursuant to 767
division (C)(1) of this section, and a set of fingerprint 768
impressions obtained in the manner described in division (C)(2) of 769
this section, the superintendent of the bureau of criminal 770
identification and investigation shall conduct a criminal records 771
check. The superintendent shall conduct the criminal records check 772
in the manner described in division (B) of this section to 773
determine whether any information exists that indicates that the 774
person who is the subject of the request has been convicted of or 775
pleaded guilty to any of the following: 776

(a) A violation of section 2903.01, 2903.02, 2903.03, 777
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 778
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 779

2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 780
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 781
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 782
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 783
2925.03, or 3716.11 of the Revised Code; 784

(b) An existing or former municipal ordinance or law of this 785
state, any other state, or the United States that is substantially 786
equivalent to any of the offenses listed in division (A)(2)(a) of 787
this section. 788

(3) On receipt of a request pursuant to section 173.27, 789
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 790
completed form prescribed pursuant to division (C)(1) of this 791
section, and a set of fingerprint impressions obtained in the 792
manner described in division (C)(2) of this section, the 793
superintendent of the bureau of criminal identification and 794
investigation shall conduct a criminal records check with respect 795
to any person who has applied for employment in a position for 796
which a criminal records check is required by those sections. The 797
superintendent shall conduct the criminal records check in the 798
manner described in division (B) of this section to determine 799
whether any information exists that indicates that the person who 800
is the subject of the request previously has been convicted of or 801
pleaded guilty to any of the following: 802

(a) A violation of section 2903.01, 2903.02, 2903.03, 803
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 804
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 805
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 806
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 807
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 808
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 809
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 810
2925.22, 2925.23, or 3716.11 of the Revised Code; 811

(b) An existing or former law of this state, any other state, 812
or the United States that is substantially equivalent to any of 813
the offenses listed in division (A)(3)(a) of this section. 814

(4) On receipt of a request pursuant to section 3701.881 of 815
the Revised Code with respect to an applicant for employment with 816
a home health agency as a person responsible for the care, 817
custody, or control of a child, a completed form prescribed 818
pursuant to division (C)(1) of this section, and a set of 819
fingerprint impressions obtained in the manner described in 820
division (C)(2) of this section, the superintendent of the bureau 821
of criminal identification and investigation shall conduct a 822
criminal records check. The superintendent shall conduct the 823
criminal records check in the manner described in division (B) of 824
this section to determine whether any information exists that 825
indicates that the person who is the subject of the request 826
previously has been convicted of or pleaded guilty to any of the 827
following: 828

(a) A violation of section 2903.01, 2903.02, 2903.03, 829
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 830
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 831
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 832
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 833
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 834
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 835
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 836
violation of section 2925.11 of the Revised Code that is not a 837
minor drug possession offense; 838

(b) An existing or former law of this state, any other state, 839
or the United States that is substantially equivalent to any of 840
the offenses listed in division (A)(4)(a) of this section. 841

(5) On receipt of a request pursuant to section ~~5111.95~~ or 842
~~5111.96~~ 5111.032, 5111.033, or 5111.034 of the Revised Code with 843

~~respect to an applicant for employment with a waiver agency~~ 844
~~participating in a department of job and family services~~ 845
~~administered home and community based waiver program or an~~ 846
~~independent provider participating in a department administered~~ 847
~~home and community based waiver program in a position that~~ 848
~~involves providing home and community based waiver services to~~ 849
~~consumers with disabilities,~~ a completed form prescribed pursuant 850
to division (C)(1) of this section, and a set of fingerprint 851
impressions obtained in the manner described in division (C)(2) of 852
this section, the superintendent of the bureau of criminal 853
identification and investigation shall conduct a criminal records 854
check. The superintendent shall conduct the criminal records check 855
in the manner described in division (B) of this section to 856
determine whether any information exists that indicates that the 857
person who is the subject of the request previously has been 858
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 859
for intervention in lieu of conviction for any of the following: 860

(a) A violation of section 2903.01, 2903.02, 2903.03, 861
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 862
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 863
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 864
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 865
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 866
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 867
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 868
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 869
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 870
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 871
3716.11 of the Revised Code, felonious sexual penetration in 872
violation of former section 2907.12 of the Revised Code, a 873
violation of section 2905.04 of the Revised Code as it existed 874
prior to July 1, 1996, a violation of section 2919.23 of the 875
Revised Code that would have been a violation of section 2905.04 876

of the Revised Code as it existed prior to July 1, 1996, had the 877
violation been committed prior to that date; 878

(b) An existing or former law of this state, any other state, 879
or the United States that is substantially equivalent to any of 880
the offenses listed in division (A)(5)(a) of this section. 881

(6) On receipt of a request pursuant to section 3701.881 of 882
the Revised Code with respect to an applicant for employment with 883
a home health agency in a position that involves providing direct 884
care to an older adult, a completed form prescribed pursuant to 885
division (C)(1) of this section, and a set of fingerprint 886
impressions obtained in the manner described in division (C)(2) of 887
this section, the superintendent of the bureau of criminal 888
identification and investigation shall conduct a criminal records 889
check. The superintendent shall conduct the criminal records check 890
in the manner described in division (B) of this section to 891
determine whether any information exists that indicates that the 892
person who is the subject of the request previously has been 893
convicted of or pleaded guilty to any of the following: 894

(a) A violation of section 2903.01, 2903.02, 2903.03, 895
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 896
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 897
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 898
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 899
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 900
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 901
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 902
2925.22, 2925.23, or 3716.11 of the Revised Code; 903

(b) An existing or former law of this state, any other state, 904
or the United States that is substantially equivalent to any of 905
the offenses listed in division (A)(6)(a) of this section. 906

(7) When conducting a criminal records check upon a request 907

pursuant to section 3319.39 of the Revised Code for an applicant 908
who is a teacher, in addition to the determination made under 909
division (A)(1) of this section, the superintendent shall 910
determine whether any information exists that indicates that the 911
person who is the subject of the request previously has been 912
convicted of or pleaded guilty to any offense specified in section 913
3319.31 of the Revised Code. 914

(8) On a request pursuant to section 2151.86 of the Revised 915
Code, a completed form prescribed pursuant to division (C)(1) of 916
this section, and a set of fingerprint impressions obtained in the 917
manner described in division (C)(2) of this section, the 918
superintendent of the bureau of criminal identification and 919
investigation shall conduct a criminal records check in the manner 920
described in division (B) of this section to determine whether any 921
information exists that indicates that the person who is the 922
subject of the request previously has been convicted of or pleaded 923
guilty to any of the following: 924

(a) A violation of section 2903.01, 2903.02, 2903.03, 925
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 926
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 927
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 928
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 929
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 930
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 931
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 932
violation of section 2905.04 of the Revised Code as it existed 933
prior to July 1, 1996, a violation of section 2919.23 of the 934
Revised Code that would have been a violation of section 2905.04 935
of the Revised Code as it existed prior to July 1, 1996, had the 936
violation been committed prior to that date, a violation of 937
section 2925.11 of the Revised Code that is not a minor drug 938
possession offense, or felonious sexual penetration in violation 939

of former section 2907.12 of the Revised Code; 940

(b) A violation of an existing or former law of this state, 941
any other state, or the United States that is substantially 942
equivalent to any of the offenses listed in division (A)(8)(a) of 943
this section. 944

(9) When conducting a criminal records check on a request 945
pursuant to section 5104.013 of the Revised Code for a person who 946
is an owner, licensee, or administrator of a child day-care center 947
or type A family day-care home, an authorized provider of a 948
certified type B family day-care home, or an adult residing in a 949
type A or certified type B home, or when conducting a criminal 950
records check or a request pursuant to section 5104.012 of the 951
Revised Code for a person who is an applicant for employment in a 952
center, type A home, or certified type B home, the superintendent, 953
in addition to the determination made under division (A)(1) of 954
this section, shall determine whether any information exists that 955
indicates that the person has been convicted of or pleaded guilty 956
to any of the following: 957

(a) A violation of section 2913.02, 2913.03, 2913.04, 958
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 959
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 960
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 961
2921.13, or 2923.01 of the Revised Code, a violation of section 962
2923.02 or 2923.03 of the Revised Code that relates to a crime 963
specified in this division or division (A)(1)(a) of this section, 964
or a second violation of section 4511.19 of the Revised Code 965
within five years of the date of application for licensure or 966
certification. 967

(b) A violation of an existing or former law of this state, 968
any other state, or the United States that is substantially 969
equivalent to any of the offenses or violations described in 970
division (A)(9)(a) of this section. 971

(10) Upon receipt of a request pursuant to section 5153.111 972
of the Revised Code, a completed form prescribed pursuant to 973
division (C)(1) of this section, and a set of fingerprint 974
impressions obtained in the manner described in division (C)(2) of 975
this section, the superintendent of the bureau of criminal 976
identification and investigation shall conduct a criminal records 977
check in the manner described in division (B) of this section to 978
determine whether any information exists that indicates that the 979
person who is the subject of the request previously has been 980
convicted of or pleaded guilty to any of the following: 981

(a) A violation of section 2903.01, 2903.02, 2903.03, 982
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 983
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 984
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 985
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 986
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 987
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 988
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 989
felonious sexual penetration in violation of former section 990
2907.12 of the Revised Code, a violation of section 2905.04 of the 991
Revised Code as it existed prior to July 1, 1996, a violation of 992
section 2919.23 of the Revised Code that would have been a 993
violation of section 2905.04 of the Revised Code as it existed 994
prior to July 1, 1996, had the violation been committed prior to 995
that date, or a violation of section 2925.11 of the Revised Code 996
that is not a minor drug possession offense; 997

(b) A violation of an existing or former law of this state, 998
any other state, or the United States that is substantially 999
equivalent to any of the offenses listed in division (A)(10)(a) of 1000
this section. 1001

(11) On receipt of a request for a criminal records check 1002
from an individual pursuant to section 4749.03 or 4749.06 of the 1003

Revised Code, accompanied by a completed copy of the form 1004
prescribed in division (C)(1) of this section and a set of 1005
fingerprint impressions obtained in a manner described in division 1006
(C)(2) of this section, the superintendent of the bureau of 1007
criminal identification and investigation shall conduct a criminal 1008
records check in the manner described in division (B) of this 1009
section to determine whether any information exists indicating 1010
that the person who is the subject of the request has been 1011
convicted of or pleaded guilty to a felony in this state or in any 1012
other state. If the individual indicates that a firearm will be 1013
carried in the course of business, the superintendent shall 1014
require information from the federal bureau of investigation as 1015
described in division (B)(2) of this section. The superintendent 1016
shall report the findings of the criminal records check and any 1017
information the federal bureau of investigation provides to the 1018
director of public safety. 1019

(12) On receipt of a request pursuant to section 1322.03, 1020
1322.031, or 4763.05 of the Revised Code, a completed form 1021
prescribed pursuant to division (C)(1) of this section, and a set 1022
of fingerprint impressions obtained in the manner described in 1023
division (C)(2) of this section, the superintendent of the bureau 1024
of criminal identification and investigation shall conduct a 1025
criminal records check with respect to any person who has applied 1026
for a license, permit, or certification from the department of 1027
commerce or a division in the department. The superintendent shall 1028
conduct the criminal records check in the manner described in 1029
division (B) of this section to determine whether any information 1030
exists that indicates that the person who is the subject of the 1031
request previously has been convicted of or pleaded guilty to any 1032
of the following: a violation of section 2913.02, 2913.11, 1033
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1034
criminal offense involving theft, receiving stolen property, 1035
embezzlement, forgery, fraud, passing bad checks, money 1036

laundering, or drug trafficking, or any criminal offense involving 1037
money or securities, as set forth in Chapters 2909., 2911., 2913., 1038
2915., 2921., 2923., and 2925. of the Revised Code; or any 1039
existing or former law of this state, any other state, or the 1040
United States that is substantially equivalent to those offenses. 1041

(13) Not later than thirty days after the date the 1042
superintendent receives the request, completed form, and 1043
fingerprint impressions, the superintendent shall send the person, 1044
board, or entity that made the request any information, other than 1045
information the dissemination of which is prohibited by federal 1046
law, the superintendent determines exists with respect to the 1047
person who is the subject of the request that indicates that the 1048
person previously has been convicted of or pleaded guilty to any 1049
offense listed or described in division (A)(1), (2), (3), (4), 1050
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 1051
appropriate. The superintendent shall send the person, board, or 1052
entity that made the request a copy of the list of offenses 1053
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 1054
(9), (10), (11), or (12) of this section, as appropriate. If the 1055
request was made under section 3701.881 of the Revised Code with 1056
regard to an applicant who may be both responsible for the care, 1057
custody, or control of a child and involved in providing direct 1058
care to an older adult, the superintendent shall provide a list of 1059
the offenses specified in divisions (A)(4) and (6) of this 1060
section. 1061

(B) The superintendent shall conduct any criminal records 1062
check requested under section 121.08, 173.27, 173.394, 1322.03, 1063
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 1064
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1065
~~5111.95, 5111.96~~ 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1066
5126.281, or 5153.111 of the Revised Code as follows: 1067

(1) The superintendent shall review or cause to be reviewed 1068

any relevant information gathered and compiled by the bureau under 1069
division (A) of section 109.57 of the Revised Code that relates to 1070
the person who is the subject of the request, including any 1071
relevant information contained in records that have been sealed 1072
under section 2953.32 of the Revised Code; 1073

(2) If the request received by the superintendent asks for 1074
information from the federal bureau of investigation, the 1075
superintendent shall request from the federal bureau of 1076
investigation any information it has with respect to the person 1077
who is the subject of the request and shall review or cause to be 1078
reviewed any information the superintendent receives from that 1079
bureau. 1080

(3) The superintendent or the superintendent's designee may 1081
request criminal history records from other states or the federal 1082
government pursuant to the national crime prevention and privacy 1083
compact set forth in section 109.571 of the Revised Code. 1084

(C)(1) The superintendent shall prescribe a form to obtain 1085
the information necessary to conduct a criminal records check from 1086
any person for whom a criminal records check is required by 1087
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 1088
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1089
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 1090
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1091
5153.111 of the Revised Code. The form that the superintendent 1092
prescribes pursuant to this division may be in a tangible format, 1093
in an electronic format, or in both tangible and electronic 1094
formats. 1095

(2) The superintendent shall prescribe standard impression 1096
sheets to obtain the fingerprint impressions of any person for 1097
whom a criminal records check is required by section 121.08, 1098
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1099
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1100

4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1101
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1102
Code. Any person for whom a records check is required by any of 1103
those sections shall obtain the fingerprint impressions at a 1104
county sheriff's office, municipal police department, or any other 1105
entity with the ability to make fingerprint impressions on the 1106
standard impression sheets prescribed by the superintendent. The 1107
office, department, or entity may charge the person a reasonable 1108
fee for making the impressions. The standard impression sheets the 1109
superintendent prescribes pursuant to this division may be in a 1110
tangible format, in an electronic format, or in both tangible and 1111
electronic formats. 1112

(3) Subject to division (D) of this section, the 1113
superintendent shall prescribe and charge a reasonable fee for 1114
providing a criminal records check requested under section 121.08, 1115
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1116
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1117
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1118
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1119
Code. The person making a criminal records request under section 1120
121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 1121
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 1122
4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 1123
5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the 1124
fee prescribed pursuant to this division. A person making a 1125
request under section 3701.881 of the Revised Code for a criminal 1126
records check for an applicant who may be both responsible for the 1127
care, custody, or control of a child and involved in providing 1128
direct care to an older adult shall pay one fee for the request. 1129
In the case of a request under section 5111.033 of the Revised 1130
Code, the fee shall be paid in the manner specified in that 1131
section. 1132

(4) The superintendent of the bureau of criminal 1133
identification and investigation may prescribe methods of 1134
forwarding fingerprint impressions and information necessary to 1135
conduct a criminal records check, which methods shall include, but 1136
not be limited to, an electronic method. 1137

(D) A determination whether any information exists that 1138
indicates that a person previously has been convicted of or 1139
pleaded guilty to any offense listed or described in division 1140
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1141
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1142
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 1143
that is made by the superintendent with respect to information 1144
considered in a criminal records check in accordance with this 1145
section is valid for the person who is the subject of the criminal 1146
records check for a period of one year from the date upon which 1147
the superintendent makes the determination. During the period in 1148
which the determination in regard to a person is valid, if another 1149
request under this section is made for a criminal records check 1150
for that person, the superintendent shall provide the information 1151
that is the basis for the superintendent's initial determination 1152
at a lower fee than the fee prescribed for the initial criminal 1153
records check. 1154

(E) As used in this section: 1155

(1) "Criminal records check" means any criminal records check 1156
conducted by the superintendent of the bureau of criminal 1157
identification and investigation in accordance with division (B) 1158
of this section. 1159

~~(2) "Home and community based waiver services" and "waiver 1160
agency" have the same meanings as in section 5111.95 of the 1161
Revised Code. 1162~~

~~(3) "Independent provider" has the same meaning as in section 1163~~

~~5111.96 of the Revised Code.~~ 1164

(4) "Minor drug possession offense" has the same meaning as 1165
in section 2925.01 of the Revised Code. 1166

(5)(3) "Older adult" means a person age sixty or older. 1167

Sec. 109.93. The attorney general education fund is hereby 1168
created in the ~~custody of the treasurer of state~~ treasury. The 1169
fund shall consist of gifts and grants received by the attorney 1170
general for the purposes of the fund. The fund shall be 1171
administered by the attorney general and shall be used to support 1172
various educational programs. These educational programs may 1173
include programs for consumer protection, victims of crime, 1174
environmental protection, drug abuse, child abuse, peace officer 1175
training, crime prevention, and law. The fund may also be used to 1176
pay costs associated with the solicitation of gifts and grants for 1177
the purposes of the fund, and the costs of administering the fund. 1178
The fund shall not be used to replace money spent by local 1179
programs for similar purposes. 1180

Sec. 111.18. (A) The secretary of state shall keep a record 1181
of all fees collected by the secretary of state and, subject to 1182
division (B) of section 1309.528 of the Revised Code and except as 1183
otherwise provided in the Revised Code, shall pay them into the 1184
state treasury to the credit of the corporate and uniform 1185
commercial code filing fund created by section 1309.528 of the 1186
Revised Code. 1187

(B) The secretary of state may implement alternative payment 1188
programs that permit payment of any fee charged by the secretary 1189
of state by means other than cash, check, money order, or credit 1190
card; an alternative payment program may include, but is not 1191
limited to, one that permits a fee to be paid by electronic means 1192
of transmission. Fees paid under an alternative payment program 1193

shall be deposited to the credit of the secretary of state 1194
alternative payment program fund, which is hereby created. The 1195
~~secretary of state alternative payment program fund shall be in~~ 1196
~~the custody of the treasurer of state but shall not be part of the~~ 1197
state treasury. Any investment income of the secretary of state 1198
alternative payment program fund shall be credited to that fund 1199
and used to operate the alternative payment program. Within two 1200
working days following the deposit of funds to the credit of the 1201
secretary of state alternative payment program fund, the secretary 1202
of state shall pay those funds ~~into the state treasury~~ to the 1203
credit of the corporate and uniform commercial code filing fund, 1204
subject to division (B) of section 1309.401 of the Revised Code 1205
and except as otherwise provided in the Revised Code. 1206

The secretary of state shall adopt rules necessary to carry 1207
out the purposes of this division. 1208

Sec. 117.11. (A) Except as otherwise provided in this 1209
division and in section 117.112 of the Revised Code, the auditor 1210
of state shall audit each public office at least once every two 1211
fiscal years. The auditor of state shall audit a public office 1212
each fiscal year if that public office is required to be audited 1213
on an annual basis pursuant to "The Single Audit Act of 1984," 98 1214
Stat. 2327, 31 U.S.C.A. 7501 et seq., as amended. In the annual or 1215
biennial audit, inquiry shall be made into the methods, accuracy, 1216
and legality of the accounts, financial reports, records, files, 1217
and reports of the office, whether the laws, rules, ordinances, 1218
and orders pertaining to the office have been observed, and 1219
whether the requirements and rules of the auditor of state have 1220
been complied with. Except as otherwise provided in this division 1221
or where auditing standards or procedures dictate otherwise, each 1222
audit shall cover at least one fiscal year. If a public office is 1223
audited only once every two fiscal years, the audit shall cover 1224
both fiscal years. 1225

(B) In addition to the annual or biennial audit provided for 1226
in division (A) of this section, the auditor of state may conduct 1227
an audit of a public office at any time when so requested by the 1228
public office or upon the auditor of state's own initiative if the 1229
auditor of state has reasonable cause to believe that an 1230
additional audit is in the public interest. 1231

(C)(1) The auditor of state shall identify any public office 1232
in which the auditor of state will be unable to conduct an audit 1233
at least once every two fiscal years as required by division (A) 1234
of this section and shall provide immediate written notice to the 1235
clerk of the legislative authority or governing board of the 1236
public office so identified. Within six months of the receipt of 1237
such notice, the legislative authority or governing board may 1238
engage an independent certified public accountant to conduct an 1239
audit pursuant to section 117.12 of the Revised Code. 1240

(2) When the chief fiscal officer of a public office notifies 1241
the auditor of state that an audit is required at a time prior to 1242
the next regularly scheduled audit by the auditor of state, the 1243
auditor of state shall either cause an earlier audit to be made by 1244
the auditor of state or authorize the legislative authority or 1245
governing board of the public office to engage an independent 1246
certified public accountant to conduct the required audit. The 1247
scope of the audit shall be as authorized by the auditor of state. 1248

(3) The auditor of state shall approve the scope of an audit 1249
under division (C)(1) or (2) of this section as set forth in the 1250
contract for the proposed audit before the contract is executed on 1251
behalf of the public office that is to be audited. The independent 1252
accountant conducting an audit under division (C)(1) or (2) of 1253
this section shall be paid by the public office. 1254

(D) If a uniform accounting network is established under 1255
section 117.101 of the Revised Code, the auditor of state or a 1256
certified public accountant employed pursuant to this section or 1257

section 115.56 or 117.12 of the Revised Code shall, to the extent 1258
practicable, utilize services offered by the network in order to 1259
conduct efficient and economical audits of public offices. 1260

(E) The auditor of state shall, in accordance with division 1261
(A)(3) of section 9.65 of the Revised Code and this section, audit 1262
an annuity program for volunteer fire fighters established by a 1263
political subdivision under section 9.65 of the Revised Code. As 1264
used in this section, "volunteer fire fighters" and "political 1265
subdivision" have the same meanings as in division (C) of section 1266
9.65 of the Revised Code. 1267

Sec. 117.112. The auditor of state shall audit the Buckeye 1268
tobacco settlement financing authority each fiscal year in 1269
accordance with this chapter. The auditor may engage an 1270
independent certified public accountant to conduct the audit. 1271

Sec. 119.07. Except when a statute prescribes a notice and 1272
the persons to whom it shall be given, in all cases in which 1273
section 119.06 of the Revised Code requires an agency to afford an 1274
opportunity for a hearing prior to the issuance of an order, the 1275
agency shall give notice to the party informing ~~him~~ the party of 1276
~~his~~ the party's right to a hearing. Notice shall be given by 1277
registered or certified mail, return receipt requested, and shall 1278
include the charges or other reasons for the proposed action, the 1279
law or rule directly involved, and a statement informing the party 1280
that ~~he~~ the party is entitled to a hearing if ~~he~~ the party 1281
requests it within thirty days of the time of mailing the notice. 1282
The notice shall also inform the party that at the hearing ~~he~~ the 1283
party may appear in person, by ~~his~~ the party's attorney, or by 1284
such other representative as is permitted to practice before the 1285
agency, or may present ~~his~~ the party's position, arguments, or 1286
contentions in writing and that at the hearing ~~he~~ the party may 1287
present evidence and examine witnesses appearing for and against 1288

~~him~~ the party. A copy of the notice shall be mailed to attorneys 1289
or other representatives of record representing the party. This 1290
paragraph does not apply to situations in which such section 1291
provides for a hearing only when it is requested by the party. 1292

When a statute specifically permits the suspension of a 1293
license without a prior hearing, notice of the agency's order 1294
shall be sent to the party by registered or certified mail, return 1295
receipt requested, not later than the business day next succeeding 1296
such order. The notice shall state the reasons for the agency's 1297
action, cite the law or rule directly involved, and state that the 1298
party will be afforded a hearing if ~~he~~ the party requests it 1299
within thirty days of the time of mailing the notice. A copy of 1300
the notice shall be mailed to attorneys or other representatives 1301
of record representing the party. 1302

Whenever a party requests a hearing in accordance with this 1303
section and section 119.06 of the Revised Code, the agency shall 1304
immediately set the date, time, and place for the hearing and 1305
forthwith notify the party thereof. The date set for the hearing 1306
shall be within fifteen days, but not earlier than seven days, 1307
after the party has requested a hearing, unless otherwise agreed 1308
to by both the agency and the party. 1309

When any notice sent by registered or certified mail, as 1310
required by sections 119.01 to 119.13 of the Revised Code, is 1311
returned because of failure of delivery the agency shall send the 1312
notice by ordinary mail to the party at the party's last known 1313
address and shall obtain a certificate of mailing. Service by 1314
ordinary mail is complete when the certificate of mailing is 1315
obtained. If a notice sent by ordinary mail is returned showing 1316
failure of delivery, the agency shall notify the attorneys or 1317
other representatives of record representing the party of the 1318
failure of delivery and serve a copy of the notice upon them, by 1319
ordinary or registered or certified mail; if ordinary mail is 1320

used, the agency shall obtain a certificate of mailing. Service 1321
upon the attorneys or other representatives of record is complete 1322
when the notice is mailed. If there are no attorneys or other 1323
representatives of record representing the party, the agency 1324
either shall make personal delivery of the notice by an employee 1325
or agent of the agency or shall cause a summary of the substantive 1326
provisions of the notice to be published once a week for three 1327
consecutive weeks in a newspaper of general circulation in the 1328
county where the last known ~~place of residence or business~~ address 1329
of the party is located. When notice is given by publication, a 1330
~~copy of the newspaper~~ a proof of publication affidavit, with the 1331
first publication of the notice ~~marked~~ set forth in the affidavit, 1332
shall be mailed by ordinary mail to the party at the party's last 1333
known address and the notice shall be deemed received as of the 1334
date of the last publication. An employee or agent of the agency 1335
may make personal delivery of the notice upon a party at any time. 1336

Refusal of delivery by personal service or by mail is not 1337
failure of delivery. Failure of delivery occurs only when, with 1338
reasonable diligence, a party cannot be found to make personal 1339
service of a notice, or if a mailed notice is returned by the 1340
postal authorities marked undeliverable, addressee unknown, or 1341
forwarding address unknown or expired. A party's last known 1342
address is the mailing address of the party appearing in the 1343
records of the agency. 1344

The failure of an agency to give the notices for any hearing 1345
required by sections 119.01 to 119.13 of the Revised Code in the 1346
manner provided in this section shall invalidate any order entered 1347
pursuant to the hearing. 1348

Sec. 120.33. (A) In lieu of using a county public defender or 1349
joint county public defender to represent indigent persons in the 1350
proceedings set forth in division (A) of section 120.16 of the 1351

Revised Code, the board of county commissioners of any county may
adopt a resolution to pay counsel who are either personally
selected by the indigent person or appointed by the court. The
resolution shall include those provisions the board of county
commissioners considers necessary to provide effective
representation of indigent persons in any proceeding for which
counsel is provided under this section. The resolution shall
include provisions for contracts with any municipal corporation
under which the municipal corporation shall reimburse the county
for counsel appointed to represent indigent persons charged with
violations of the ordinances of the municipal corporation.

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

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

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

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

(a) By signed journal entry recorded on its docket, enter the
name of the lawyer selected by the indigent person as counsel of
record;

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

(3) The board of county commissioners shall establish a

schedule of fees by case or on an hourly basis to be paid to 1383
counsel for legal services provided pursuant to a resolution 1384
adopted under this section. Prior to establishing the schedule, 1385
the board of county commissioners shall request the bar 1386
association or associations of the county to submit a proposed 1387
schedule. The schedule submitted shall be subject to the review, 1388
amendment, and approval of the board of county commissioners. 1389

(4) Counsel selected by the indigent person or appointed by 1390
the court at the request of an indigent person in a county that 1391
adopts a resolution to pay counsel, except for counsel appointed 1392
to represent a person charged with any violation of an ordinance 1393
of a municipal corporation that has not contracted with the county 1394
commissioners for the payment of appointed counsel, shall be paid 1395
by the county and shall receive the compensation and expenses the 1396
court approves. Each request for payment shall be accompanied by a 1397
financial disclosure form and an affidavit of indigency that are 1398
completed by the indigent person on forms prescribed by the state 1399
public defender. Compensation and expenses shall not exceed the 1400
amounts fixed by the board of county commissioners in the schedule 1401
adopted pursuant to division (A)(3) of this section. No court 1402
shall approve compensation and expenses that exceed the amount 1403
fixed pursuant to division (A)(3) of this section. 1404

The fees and expenses approved by the court shall not be 1405
taxed as part of the costs and shall be paid by the county. 1406
However, if the person represented has, or may reasonably be 1407
expected to have, the means to meet some part of the cost of the 1408
services rendered to the person, the person shall pay the county 1409
an amount that the person reasonably can be expected to pay. 1410
Pursuant to section 120.04 of the Revised Code, the county shall 1411
pay to the state public defender a percentage of the payment 1412
received from the person in an amount proportionate to the 1413
percentage of the costs of the person's case that were paid to the 1414

county by the state public defender pursuant to this section. The 1415
money paid to the state public defender shall be credited to the 1416
client payment fund created pursuant to division (B)(5) of section 1417
120.04 of the Revised Code. 1418

The county auditor shall draw a warrant on the county 1419
treasurer for the payment of counsel in the amount fixed by the 1420
court, plus the expenses the court fixes and certifies to the 1421
auditor. The county auditor shall report periodically, but not 1422
less than annually, to the board of county commissioners and to 1423
the ~~Ohio state~~ public defender ~~commission~~ the amounts paid out 1424
pursuant to the approval of the court. The board of county 1425
commissioners, after review and approval of the auditor's report, 1426
or the county auditor, with permission from and notice to the 1427
board of county commissioners, may then certify it to the state 1428
public defender for reimbursement. ~~If a~~ The state public defender 1429
may pay a requested reimbursement only if the request for 1430
reimbursement is ~~not~~ accompanied by a financial disclosure form 1431
and an affidavit of indigency completed by the indigent person on 1432
forms prescribed by the state public defender, ~~the state public~~ 1433
~~defender shall not pay the requested reimbursement~~ or if the court 1434
certifies by electronic signature as prescribed by the state 1435
public defender that a financial disclosure form and affidavit of 1436
indigency have been completed by the indigent person and are 1437
available for inspection. If a request for the reimbursement of 1438
the cost of counsel in any case is not received by the state 1439
public defender within ninety days after the end of the calendar 1440
month in which the case is finally disposed of by the court, 1441
unless the county has requested and the state public defender has 1442
granted an extension of the ninety-day limit, the state public 1443
defender shall not pay the requested reimbursement. The state 1444
public defender shall also review the report and, in accordance 1445
with the standards, guidelines, and maximums established pursuant 1446
to divisions (B)(7) and (8) of section 120.04 of the Revised Code, 1447

prepare a voucher for fifty per cent of the total cost of each 1448
county appointed counsel system in the period of time covered by 1449
the certified report and a voucher for fifty per cent of the costs 1450
and expenses that are reimbursable under section 120.35 of the 1451
Revised Code, if any, or, if the amount of money appropriated by 1452
the general assembly to reimburse counties for the operation of 1453
county public defender offices, joint county public defender 1454
offices, and county appointed counsel systems is not sufficient to 1455
pay fifty per cent of the total cost of all of the offices and 1456
systems other than costs and expenses that are reimbursable under 1457
section 120.35 of the Revised Code, for the lesser amount required 1458
by section 120.34 of the Revised Code. 1459

(5) If any county appointed counsel system fails to maintain 1460
the standards for the conduct of the system established by the 1461
rules of the Ohio public defender commission pursuant to divisions 1462
(B) and (C) of section 120.03 or the standards established by the 1463
state public defender pursuant to division (B)(7) of section 1464
120.04 of the Revised Code, the Ohio public defender commission 1465
shall notify the board of county commissioners of the county that 1466
the county appointed counsel system has failed to comply with its 1467
rules or the standards of the state public defender. Unless the 1468
board of county commissioners corrects the conduct of its 1469
appointed counsel system to comply with the rules and standards 1470
within ninety days after the date of the notice, the state public 1471
defender may deny all or part of the county's reimbursement from 1472
the state provided for in division (A)(4) of this section. 1473

(B) In lieu of using a county public defender or joint county 1474
public defender to represent indigent persons in the proceedings 1475
set forth in division (A) of section 120.16 of the Revised Code, 1476
and in lieu of adopting the resolution and following the procedure 1477
described in division (A) of this section, the board of county 1478
commissioners of any county may contract with the state public 1479

defender for the state public defender's legal representation of 1480
indigent persons. A contract entered into pursuant to this 1481
division may provide for payment for the services provided on a 1482
per case, hourly, or fixed contract basis. 1483

(C) If a court appoints an attorney pursuant to this section 1484
to represent a petitioner in a postconviction relief proceeding 1485
under section 2953.21 of the Revised Code, the petitioner has 1486
received a sentence of death, and the proceeding relates to that 1487
sentence, the attorney who represents the petitioner in the 1488
proceeding pursuant to the appointment shall be certified under 1489
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 1490
represent indigent defendants charged with or convicted of an 1491
offense for which the death penalty can be or has been imposed. 1492

Sec. 122.051. There is hereby created in the state treasury 1493
the international trade cooperative projects fund. The fund shall 1494
consist of moneys received from private and nonprofit 1495
organizations involved in cooperative agreements related to 1496
import/export and direct foreign investment activities and cash 1497
transfers from other state agencies or any state or local 1498
government to encourage, promote, and assist trade and commerce 1499
between this state and foreign nations, pursuant to section 122.05 1500
and division (E) of section 122.04 of the Revised Code. 1501

Sec. 122.071. There is hereby created in the state treasury 1502
the travel and tourism cooperative projects fund consisting of all 1503
grants, gifts, and contributions made to the director of 1504
development for marketing and promotion of travel and tourism 1505
within this state pursuant to division (F) of section 122.04 and 1506
section 122.07 of the Revised Code. 1507

Sec. 122.076. There is hereby created in the state treasury 1508
the energy projects fund consisting of nonfederal revenue that is 1509

remitted to the director of development for the purpose of energy projects. Money in the fund shall be used by the department of development for energy projects and to pay the costs incurred in administering the energy projects.

Sec. 122.17. (A) As used in this section: 1514

(1) "Full-time employee" means an individual who is employed for consideration for at least an average of thirty-five hours a week ~~or~~, who renders any other standard of service generally accepted by custom or specified by contract as full-time employment, or who is employed for consideration for such time or renders such service but is on family or medical leave under the federal Family and Medical Leave Act of 1993, Pub. L. No. 103-3, 107 Stat. 6, as amended, or on active duty reserve or Ohio national guard service.

(2) "New employee" means one of the following: 1524

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

(b) A full-time employee first employed by a taxpayer in the project that is the subject of the tax credit after the tax credit authority approves a project for a tax credit under this section in a public meeting, as long as the taxpayer enters into the tax credit agreement prepared by the department of development after such meeting within sixty days after receiving the agreement from the department. If the taxpayer fails to enter into the agreement within sixty days, "new employee" has the same meaning as under division (A)(2)(a) of this section. A full-time employee may be considered a "new employee" of a taxpayer, despite previously having been employed by a related member of the taxpayer, if all of the following apply:

(i) The related member is a party to the tax credit agreement 1541
at the time the employee is first employed with the taxpayer; 1542

(ii) The related member will remain subject to the tax 1543
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 1544
under Chapter 5751. of the Revised Code for the remainder of the 1545
term of the tax credit, and the tax credit is taken against 1546
liability for that same tax through the remainder of the term of 1547
the tax credit; and 1548

(iii) The employee was considered a new employee of the 1549
related member prior to employment with the taxpayer. 1550

Under division (A)(2)(a) or (b) of this section, if the tax 1551
credit authority determines it appropriate, "new employee" also 1552
may include an employee re-hired or called back from lay-off to 1553
work in a new facility or on a new product or service established 1554
or produced by the taxpayer after entering into the agreement 1555
under this section or after the tax credit authority approves the 1556
tax credit in a public meeting. Except as otherwise provided in 1557
this paragraph, "new employee" does not include any employee of 1558
the taxpayer who was previously employed in this state by a 1559
related member of the taxpayer and whose employment was shifted to 1560
the taxpayer after the taxpayer entered into the tax credit 1561
agreement or after the tax credit authority approved the credit in 1562
a public meeting, or any employee of the taxpayer for which the 1563
taxpayer has been granted a certificate under division (B) of 1564
section 5709.66 of the Revised Code. However, if the taxpayer is 1565
engaged in the enrichment and commercialization of uranium or 1566
uranium products or is engaged in research and development 1567
activities related thereto and if the tax credit authority 1568
determines it appropriate, "new employee" may include an employee 1569
of the taxpayer who was previously employed in this state by a 1570
related member of the taxpayer and whose employment was shifted to 1571
the taxpayer after the taxpayer entered into the tax credit 1572

agreement or after the tax credit authority approved the credit in 1573
a public meeting. "New employee" does not include an employee of 1574
the taxpayer who is employed in an employment position that was 1575
relocated to a project from other operations of the taxpayer in 1576
this state or from operations of a related member of the taxpayer 1577
in this state. In addition, "new employee" does not include a 1578
child, grandchild, parent, or spouse, other than a spouse who is 1579
legally separated from the individual, of any individual who is an 1580
employee of the taxpayer and who has a direct or indirect 1581
ownership interest of at least five per cent in the profits, 1582
capital, or value of the taxpayer. Such ownership interest shall 1583
be determined in accordance with section 1563 of the Internal 1584
Revenue Code and regulations prescribed thereunder. 1585

(3) "New income tax revenue" means the total amount withheld 1586
under section 5747.06 of the Revised Code by the taxpayer during 1587
the taxable year, or during the calendar year that includes the 1588
tax period, from the compensation of new employees for the tax 1589
levied under Chapter 5747. of the Revised Code. 1590

(4) "Related member" has the same meaning as under division 1591
(A)(6) of section 5733.042 of the Revised Code without regard to 1592
division (B) of that section. 1593

(B) The tax credit authority may make grants under this 1594
section to foster job creation in this state. Such a grant shall 1595
take the form of a refundable credit allowed against the tax 1596
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 1597
under Chapter 5751. of the Revised Code. The credit shall be 1598
claimed for the taxable years or tax periods specified in the 1599
taxpayer's agreement with the tax credit authority under division 1600
(D) of this section. With respect to taxes imposed under section 1601
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 1602
credit shall be claimed in the order required under section 1603
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 1604

the credit available for a taxable year or for a calendar year 1605
that includes a tax period equals the new income tax revenue for 1606
that year multiplied by the percentage specified in the agreement 1607
with the tax credit authority. Any credit granted under this 1608
section against the tax imposed by section 5733.06 or 5747.02 of 1609
the Revised Code, to the extent not fully utilized against such 1610
tax for taxable years ending prior to 2008, shall automatically be 1611
converted without any action taken by the tax credit authority to 1612
a credit against the tax levied under Chapter 5751. of the Revised 1613
Code for tax periods beginning on or after July 1, 2008, provided 1614
that the person to whom the credit was granted is subject to such 1615
tax. The converted credit shall apply to those calendar years in 1616
which the remaining taxable years specified in the agreement end. 1617

(C) A taxpayer or potential taxpayer who proposes a project 1618
to create new jobs in this state may apply to the tax credit 1619
authority to enter into an agreement for a tax credit under this 1620
section. The director of development shall prescribe the form of 1621
the application. After receipt of an application, the authority 1622
may enter into an agreement with the taxpayer for a credit under 1623
this section if it determines all of the following: 1624

(1) The taxpayer's project will create new jobs in this 1625
state; 1626

(2) The taxpayer's project is economically sound and will 1627
benefit the people of this state by increasing opportunities for 1628
employment and strengthening the economy of this state; 1629

(3) Receiving the tax credit is a major factor in the 1630
taxpayer's decision to go forward with the project. 1631

(D) An agreement under this section shall include all of the 1632
following: 1633

(1) A detailed description of the project that is the subject 1634
of the agreement; 1635

(2) The term of the tax credit, which shall not exceed 1636
fifteen years, and the first taxable year, or first calendar year 1637
that includes a tax period, for which the credit may be claimed; 1638

(3) A requirement that the taxpayer shall maintain operations 1639
at the project location for at least twice the number of years as 1640
the term of the tax credit; 1641

(4) The percentage, as determined by the tax credit 1642
authority, of new income tax revenue that will be allowed as the 1643
amount of the credit for each taxable year or for each calendar 1644
year that includes a tax period; 1645

(5) A specific method for determining how many new employees 1646
are employed during a taxable year or during a calendar year that 1647
includes a tax period; 1648

(6) A requirement that the taxpayer annually shall report to 1649
the director of development the number of new employees, the new 1650
income tax revenue withheld in connection with the new employees, 1651
and any other information the director needs to perform the 1652
director's duties under this section; 1653

(7) A requirement that the director of development annually 1654
shall verify the amounts reported under division (D)(6) of this 1655
section, and after doing so shall issue a certificate to the 1656
taxpayer stating that the amounts have been verified; 1657

(8)(a) A provision requiring that the taxpayer, except as 1658
otherwise provided in division (D)(8)(b) of this section, shall 1659
not relocate employment positions from elsewhere in this state to 1660
the project site that is the subject of the agreement for the 1661
lesser of five years from the date the agreement is entered into 1662
or the number of years the taxpayer is entitled to claim the tax 1663
credit. 1664

(b) The taxpayer may relocate employment positions from 1665
elsewhere in this state to the project site that is the subject of 1666

the agreement if the director of development determines both of 1667
the following: 1668

(i) That the site from which the employment positions would 1669
be relocated is inadequate to meet market and industry conditions, 1670
expansion plans, consolidation plans, or other business 1671
considerations affecting the taxpayer; 1672

(ii) That the legislative authority of the county, township, 1673
or municipal corporation from which the employment positions would 1674
be relocated has been notified of the relocation. 1675

For purposes of this section, the movement of an employment 1676
position from one political subdivision to another political 1677
subdivision shall be considered a relocation of an employment 1678
position, but the transfer of an individual employee from one 1679
political subdivision to another political subdivision shall not 1680
be considered a relocation of an employment position as long as 1681
the individual's employment position in the first political 1682
subdivision is refilled. 1683

(E) If a taxpayer fails to meet or comply with any condition 1684
or requirement set forth in a tax credit agreement, the tax credit 1685
authority may amend the agreement to reduce the percentage or term 1686
of the tax credit. The reduction of the percentage or term shall 1687
take effect (1) in the taxable year immediately following the 1688
taxable year in which the authority amends the agreement or the 1689
director of development notifies the taxpayer in writing of such 1690
failure, or (2) in the first tax period beginning in the calendar 1691
year immediately following the calendar year in which the 1692
authority amends the agreement or the director notifies the 1693
taxpayer in writing of such failure. If the taxpayer fails to 1694
annually report any of the information required by division (D)(6) 1695
of this section within the time required by the director, the 1696
reduction of the percentage or term may take effect in the current 1697
taxable year. If the taxpayer relocates employment positions in 1698

violation of the provision required under division (D)(8)(a) of 1699
this section, the taxpayer shall not claim the tax credit under 1700
section 5733.0610 of the Revised Code for any tax years following 1701
the calendar year in which the relocation occurs, or shall not 1702
claim the tax credit under section 5725.32, 5729.032, or 5747.058 1703
of the Revised Code for the taxable year in which the relocation 1704
occurs and any subsequent taxable years, and shall not claim the 1705
tax credit under division (A) of section 5751.50 of the Revised 1706
Code for any tax period in the calendar year in which the 1707
relocation occurs and any subsequent tax periods. 1708

(F) Projects that consist solely of point-of-final-purchase 1709
retail facilities are not eligible for a tax credit under this 1710
section. If a project consists of both point-of-final-purchase 1711
retail facilities and nonretail facilities, only the portion of 1712
the project consisting of the nonretail facilities is eligible for 1713
a tax credit and only the new income tax revenue from new 1714
employees of the nonretail facilities shall be considered when 1715
computing the amount of the tax credit. If a warehouse facility is 1716
part of a point-of-final-purchase retail facility and supplies 1717
only that facility, the warehouse facility is not eligible for a 1718
tax credit. Catalog distribution centers are not considered 1719
point-of-final-purchase retail facilities for the purposes of this 1720
division, and are eligible for tax credits under this section. 1721

(G) Financial statements and other information submitted to 1722
the department of development or the tax credit authority by an 1723
applicant or recipient of a tax credit under this section, and any 1724
information taken for any purpose from such statements or 1725
information, are not public records subject to section 149.43 of 1726
the Revised Code. However, the chairperson of the authority may 1727
make use of the statements and other information for purposes of 1728
issuing public reports or in connection with court proceedings 1729
concerning tax credit agreements under this section. Upon the 1730

request of the tax commissioner or, if the applicant or recipient 1731
is an insurance company, upon the request of the superintendent of 1732
insurance, the chairperson of the authority shall provide to the 1733
commissioner or superintendent any statement or information 1734
submitted by an applicant or recipient of a tax credit in 1735
connection with the credit. The commissioner or superintendent 1736
shall preserve the confidentiality of the statement or 1737
information. 1738

(H) A taxpayer claiming a credit under this section shall 1739
submit to the tax commissioner or, if the taxpayer is an insurance 1740
company, to the superintendent of insurance, a copy of the 1741
director of development's certificate of verification under 1742
division (D)(7) of this section with the taxpayer's tax report or 1743
return for the taxable year or for the calendar year that includes 1744
the tax period. Failure to submit a copy of the certificate with 1745
the report or return does not invalidate a claim for a credit if 1746
the taxpayer submits a copy of the certificate to the commissioner 1747
or superintendent within sixty days after the commissioner or 1748
superintendent requests it. 1749

(I) The director of development, after consultation with the 1750
tax commissioner and the superintendent of insurance and in 1751
accordance with Chapter 119. of the Revised Code, shall adopt 1752
rules necessary to implement this section. The rules may provide 1753
for recipients of tax credits under this section to be charged 1754
fees to cover administrative costs of the tax credit program. The 1755
fees collected shall be credited to the tax incentive programs 1756
operating fund created in section 122.174 of the Revised Code. At 1757
the time the director gives public notice under division (A) of 1758
section 119.03 of the Revised Code of the adoption of the rules, 1759
the director shall submit copies of the proposed rules to the 1760
chairpersons of the standing committees on economic development in 1761
the senate and the house of representatives. 1762

(J) For the purposes of this section, a taxpayer may include a partnership, a corporation that has made an election under subchapter S of chapter one of subtitle A of the Internal Revenue Code, or any other business entity through which income flows as a distributive share to its owners. A ~~credit received under this section by a~~ partnership, S-corporation, or other such business entity ~~shall be apportioned among~~ may elect to pass the credit received under this section through to the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed⁷. The election shall be made on the annual report required under division (D)(6) of this section. The election applies to and is irrevocable for the credit for which the report is submitted. If the election is made, the credit shall be apportioned among those persons in the same proportions as those in which the income or profit is distributed.

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

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

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

(3) If the taxpayer maintained operations at the project 1795
location for less than the number of years of the term of the tax 1796
credit, an amount not exceeding one hundred per cent of the sum of 1797
any previously allowed credits under this section. 1798

In determining the portion of the tax credit to be refunded 1799
to this state, the tax credit authority shall consider the effect 1800
of market conditions on the taxpayer's project and whether the 1801
taxpayer continues to maintain other operations in this state. 1802
After making the determination, the authority shall certify the 1803
amount to be refunded to the tax commissioner or superintendent of 1804
insurance, as appropriate. If the amount is certified to the 1805
commissioner, the commissioner shall make an assessment for that 1806
amount against the taxpayer under Chapter 5733., 5747., or 5751. 1807
of the Revised Code. If the amount is certified to the 1808
superintendent, the superintendent shall make an assessment for 1809
that amount against the taxpayer under Chapter 5725. or 5729. of 1810
the Revised Code. The time limitations on assessments under those 1811
chapters do not apply to an assessment under this division, but 1812
the commissioner or superintendent, as appropriate, shall make the 1813
assessment within one year after the date the authority certifies 1814
to the commissioner or superintendent the amount to be refunded. 1815

(L) On or before the thirty-first day of March each year, the 1816
director of development shall submit a report to the governor, the 1817
president of the senate, and the speaker of the house of 1818
representatives on the tax credit program under this section. The 1819
report shall include information on the number of agreements that 1820
were entered into under this section during the preceding calendar 1821
year, a description of the project that is the subject of each 1822
such agreement, and an update on the status of projects under 1823
agreements entered into before the preceding calendar year. 1824

(M) There is hereby created the tax credit authority, which 1825
consists of the director of development and four other members 1826

appointed as follows: the governor, the president of the senate, 1827
and the speaker of the house of representatives each shall appoint 1828
one member who shall be a specialist in economic development; the 1829
governor also shall appoint a member who is a specialist in 1830
taxation. Of the initial appointees, the members appointed by the 1831
governor shall serve a term of two years; the members appointed by 1832
the president of the senate and the speaker of the house of 1833
representatives shall serve a term of four years. Thereafter, 1834
terms of office shall be for four years. Initial appointments to 1835
the authority shall be made within thirty days after January 13, 1836
1993. Each member shall serve on the authority until the end of 1837
the term for which the member was appointed. Vacancies shall be 1838
filled in the same manner provided for original appointments. Any 1839
member appointed to fill a vacancy occurring prior to the 1840
expiration of the term for which the member's predecessor was 1841
appointed shall hold office for the remainder of that term. 1842
Members may be reappointed to the authority. Members of the 1843
authority shall receive their necessary and actual expenses while 1844
engaged in the business of the authority. The director of 1845
development shall serve as chairperson of the authority, and the 1846
members annually shall elect a vice-chairperson from among 1847
themselves. Three members of the authority constitute a quorum to 1848
transact and vote on the business of the authority. The majority 1849
vote of the membership of the authority is necessary to approve 1850
any such business, including the election of the vice-chairperson. 1851

The director of development may appoint a professional 1852
employee of the department of development to serve as the 1853
director's substitute at a meeting of the authority. The director 1854
shall make the appointment in writing. In the absence of the 1855
director from a meeting of the authority, the appointed substitute 1856
shall serve as chairperson. In the absence of both the director 1857
and the director's substitute from a meeting, the vice-chairperson 1858
shall serve as chairperson. 1859

(N) For purposes of the credits granted by this section 1860
against the taxes imposed under sections 5725.18 and 5729.03 of 1861
the Revised Code, "taxable year" means the period covered by the 1862
taxpayer's annual statement to the superintendent of insurance. 1863

Sec. 122.171. (A) As used in this section: 1864

(1) "Capital investment project" means a plan of investment 1865
at a project site for the acquisition, construction, renovation, 1866
or repair of buildings, machinery, or equipment, or for 1867
capitalized costs of basic research and new product development 1868
determined in accordance with generally accepted accounting 1869
principles, but does not include any of the following: 1870

(a) Payments made for the acquisition of personal property 1871
through operating leases; 1872

(b) Project costs paid before January 1, 2002; 1873

(c) Payments made to a related member as defined in section 1874
5733.042 of the Revised Code or to an elected consolidated 1875
taxpayer or a combined taxpayer as defined in section 5751.01 of 1876
the Revised Code. 1877

(2) "Eligible business" means a business with Ohio operations 1878
satisfying all of the following: 1879

(a) Employed an average of at least one thousand employees in 1880
full-time employment positions at a project site during each of 1881
the twelve months preceding the application for a tax credit under 1882
this section; and 1883

(b) On or after January 1, 2002, has made payments for the 1884
capital investment project of either of the following: 1885

(i) At least two hundred million dollars in the aggregate at 1886
the project site during a period of three consecutive calendar 1887
years including the calendar year that includes a day of the 1888
taxpayer's taxable year or tax period with respect to which the 1889

credit is granted;	1890
(ii) If the average wage of all full-time employment positions at the project site is greater than four hundred per cent of the federal minimum wage, at least one hundred million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted.	1891 1892 1893 1894 1895 1896 1897
(c) Is engaged at the project site primarily as a manufacturer or is providing significant corporate administrative functions;	1898 1899 1900
(d) Has had a capital investment project reviewed and approved by the tax credit authority as provided in divisions (C), (D), and (E) of this section.	1901 1902 1903
(3) "Full-time employment position" means a position of employment for consideration for at least an average of thirty-five hours a week that has been filled for at least one hundred eighty days immediately preceding the filing of an application under this section and for at least one hundred eighty days during each taxable year or each calendar year that includes a tax period with respect to which the credit is granted, or is employed in such position for consideration for such time, but is on active duty reserve or Ohio national guard service.	1904 1905 1906 1907 1908 1909 1910 1911 1912
(4) "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code.	1913 1914
(5) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business.	1915 1916 1917 1918
(6) "Applicable corporation" means a corporation satisfying all of the following:	1919 1920

(a)(i) For the entire taxable year immediately preceding the 1921
tax year, the corporation develops software applications primarily 1922
to provide telecommunication billing and information services 1923
through outsourcing or licensing to domestic or international 1924
customers. 1925

(ii) Sales and licensing of software generated at least six 1926
hundred million dollars in revenue during the taxable year 1927
immediately preceding the tax year the corporation is first 1928
entitled to claim the credit provided under division (B) of this 1929
section. 1930

(b) For the entire taxable year immediately preceding the tax 1931
year, the corporation or one or more of its related members 1932
provides customer or employee care and technical support for 1933
clients through one or more contact centers within this state, and 1934
the corporation and its related members together have a daily 1935
average, based on a three-hundred-sixty-five-day year, of at least 1936
five hundred thousand successful customer contacts through one or 1937
more of their contact centers, wherever located. 1938

(c) The corporation is eligible for the credit under division 1939
(B) of this section for the tax year. 1940

(7) "Related member" has the same meaning as in section 1941
5733.042 of the Revised Code as that section existed on the 1942
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 1943
general assembly, September 29, 1997. 1944

(8) "Successful customer contact" means a contact with an end 1945
user via telephone, including interactive voice recognition or 1946
similar means, where the contact culminates in a conversation or 1947
connection other than a busy signal or equipment busy. 1948

(9) "Telecommunications" means all forms of 1949
telecommunications service as defined in section 5739.01 of the 1950
Revised Code, and includes services in wireless, wireline, cable, 1951

broadband, internet protocol, and satellite. 1952

(10)(a) "Applicable difference" means the difference between 1953
the tax for the tax year under Chapter 5733. of the Revised Code 1954
applying the law in effect for that tax year, and the tax for that 1955
tax year if section 5733.042 of the Revised Code applied as that 1956
section existed on the effective date of its amendment by Am. Sub. 1957
H.B. 215 of the 122nd general assembly, September 29, 1997, 1958
subject to division (A)(10)(b) of this section. 1959

(b) If the tax rate set forth in division (B) of section 1960
5733.06 of the Revised Code for the tax year is less than eight 1961
and one-half per cent, the tax calculated under division 1962
(A)(10)(a) of this section shall be computed by substituting a tax 1963
rate of eight and one-half per cent for the rate set forth in 1964
division (B) of section 5733.06 of the Revised Code for the tax 1965
year. 1966

(c) If the resulting difference is negative, the applicable 1967
tax difference for the tax year shall be zero. 1968

(B) The tax credit authority created under section 122.17 of 1969
the Revised Code may grant tax credits under this section for the 1970
purpose of fostering job retention in this state. Upon application 1971
by an eligible business and upon consideration of the 1972
recommendation of the director of budget and management, tax 1973
commissioner, and director of development under division (C) of 1974
this section, the tax credit authority may grant to an eligible 1975
business a nonrefundable credit against the tax imposed by section 1976
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 1977
taxable years and against the tax levied by Chapter 5751. of the 1978
Revised Code for a period of up to fifteen calendar years. The 1979
credit shall be in an amount not exceeding seventy-five per cent 1980
of the Ohio income tax withheld from the employees of the eligible 1981
business occupying full-time employment positions at the project 1982
site during the calendar year that includes the last day of such 1983

business' taxable year or tax period with respect to which the 1984
credit is granted. The amount of the credit shall not be based on 1985
the Ohio income tax withheld from full-time employees for a 1986
calendar year prior to the calendar year in which the minimum 1987
investment requirement referred to in division (A)(2)(b) of this 1988
section is completed. The credit shall be claimed only for the 1989
taxable years or tax periods specified in the eligible business' 1990
agreement with the tax credit authority under division (E) of this 1991
section, but in no event shall the credit be claimed for a taxable 1992
year or tax period terminating before the date specified in the 1993
agreement. Any credit granted under this section against the tax 1994
imposed by section 5733.06 or 5747.02 of the Revised Code, to the 1995
extent not fully utilized against such tax for taxable years 1996
ending prior to 2008, shall automatically be converted without any 1997
action taken by the tax credit authority to a credit against the 1998
tax levied under Chapter 5751. of the Revised Code for tax periods 1999
beginning on or after July 1, 2008, provided that the person to 2000
whom the credit was granted is subject to such tax. The converted 2001
credit shall apply to those calendar years in which the remaining 2002
taxable years specified in the agreement end. 2003

The credit computed under this division is in addition to any 2004
credit allowed under division (M) of this section which the tax 2005
credit authority may also include in the agreement. 2006

Any unused portion of a tax credit may be carried forward for 2007
not more than three additional years after the year for which the 2008
credit is granted. 2009

(C) A taxpayer that proposes a capital investment project to 2010
retain jobs in this state may apply to the tax credit authority to 2011
enter into an agreement for a tax credit under this section. The 2012
director of development shall prescribe the form of the 2013
application. After receipt of an application, the authority shall 2014
forward copies of the application to the director of budget and 2015

management, the tax commissioner, and the director of development, 2016
each of whom shall review the application to determine the 2017
economic impact the proposed project would have on the state and 2018
the affected political subdivisions and shall submit a summary of 2019
their determinations and recommendations to the authority. 2020

(D) Upon review of the determinations and recommendations 2021
described in division (C) of this section, the tax credit 2022
authority may enter into an agreement with the taxpayer for a 2023
credit under this section if the authority determines all of the 2024
following: 2025

(1) The taxpayer's capital investment project will result in 2026
the retention of full-time employment positions in this state. 2027

(2) The taxpayer is economically sound and has the ability to 2028
complete the proposed capital investment project. 2029

(3) The taxpayer intends to and has the ability to maintain 2030
operations at the project site for at least twice the term of the 2031
credit. 2032

(4) Receiving the credit is a major factor in the taxpayer's 2033
decision to begin, continue with, or complete the project. 2034

(5) The political subdivisions in which the project is 2035
located have agreed to provide substantial financial support to 2036
the project. 2037

(E) An agreement under this section shall include all of the 2038
following: 2039

(1) A detailed description of the project that is the subject 2040
of the agreement, including the amount of the investment, the 2041
period over which the investment has been or is being made, and 2042
the number of full-time employment positions at the project site. 2043

(2) The method of calculating the number of full-time 2044
employment positions as specified in division (A)(3) of this 2045

section. 2046

(3) The term and percentage of the tax credit, and the first 2047
year for which the credit may be claimed. 2048

(4) A requirement that the taxpayer maintain operations at 2049
the project site for at least twice the number of years as the 2050
term of the credit. 2051

(5) A requirement that the taxpayer retain a specified number 2052
of full-time employment positions at the project site and within 2053
this state for the term of the credit, including a requirement 2054
that the taxpayer continue to employ at least one thousand 2055
employees in full-time employment positions at the project site 2056
during the entire term of any agreement, subject to division 2057
(E)(7) of this section. 2058

(6) A requirement that the taxpayer annually report to the 2059
director of development the number of full-time employment 2060
positions subject to the credit, the amount of tax withheld from 2061
employees in those positions, the amount of the payments made for 2062
the capital investment project, and any other information the 2063
director needs to perform the director's duties under this 2064
section. 2065

(7) A requirement that the director of development annually 2066
review the annual reports of the taxpayer to verify the 2067
information reported under division (E)(6) of this section and 2068
compliance with the agreement. Upon verification, the director 2069
shall issue a certificate to the taxpayer stating that the 2070
information has been verified and identifying the amount of the 2071
credit for the taxable year. Unless otherwise specified by the tax 2072
credit authority in a resolution and included as part of the 2073
agreement, the director shall not issue a certificate for any year 2074
in which the total number of filled full-time employment positions 2075
for each day of the calendar year divided by three hundred 2076

sixty-five is less than ninety per cent of the full-time 2077
employment positions specified in division (E)(5) of this section. 2078
In determining the number of full-time employment positions, no 2079
position shall be counted that is filled by an employee who is 2080
included in the calculation of a tax credit under section 122.17 2081
of the Revised Code. 2082

(8)(a) A provision requiring that the taxpayer, except as 2083
otherwise provided in division (E)(8)(b) of this section, shall 2084
not relocate employment positions from elsewhere in this state to 2085
the project site that is the subject of the agreement for the 2086
lesser of five years from the date the agreement is entered into 2087
or the number of years the taxpayer is entitled to claim the 2088
credit. 2089

(b) The taxpayer may relocate employment positions from 2090
elsewhere in this state to the project site that is the subject of 2091
the agreement if the director of development determines both of 2092
the following: 2093

(i) That the site from which the employment positions would 2094
be relocated is inadequate to meet market and industry conditions, 2095
expansion plans, consolidation plans, or other business 2096
considerations affecting the taxpayer; 2097

(ii) That the legislative authority of the county, township, 2098
or municipal corporation from which the employment positions would 2099
be relocated has been notified of the relocation. 2100

For purposes of this section, the movement of an employment 2101
position from one political subdivision to another political 2102
subdivision shall be considered a relocation of an employment 2103
position unless the movement is confined to the project site. The 2104
transfer of an individual employee from one political subdivision 2105
to another political subdivision shall not be considered a 2106
relocation of an employment position as long as the individual's 2107

employment position in the first political subdivision is 2108
refilled. 2109

(9) A waiver by the taxpayer of any limitations periods 2110
relating to assessments or adjustments resulting from the 2111
taxpayer's failure to comply with the agreement. 2112

(F) If a taxpayer fails to meet or comply with any condition 2113
or requirement set forth in a tax credit agreement, the tax credit 2114
authority may amend the agreement to reduce the percentage or term 2115
of the credit. The reduction of the percentage or term shall take 2116
effect (1) in the taxable year immediately following the taxable 2117
year in which the authority amends the agreement or the director 2118
of development notifies the taxpayer in writing of such failure, 2119
or (2) in the first tax period beginning in the calendar year 2120
immediately following the calendar year in which the authority 2121
amends the agreement or the director notifies the taxpayer in 2122
writing of such failure. If the taxpayer fails to annually report 2123
any of the information required by division (E)(6) of this section 2124
within the time required by the director, the reduction of the 2125
percentage or term may take effect in the current taxable year. If 2126
the taxpayer relocates employment positions in violation of the 2127
provision required under division (D)(8)(a) of this section, the 2128
taxpayer shall not claim the tax credit under section 5733.0610 of 2129
the Revised Code for any tax years following the calendar year in 2130
which the relocation occurs, shall not claim the tax credit under 2131
section 5747.058 of the Revised Code for the taxable year in which 2132
the relocation occurs and any subsequent taxable years, and shall 2133
not claim the tax credit under division (A) of section 5751.50 of 2134
the Revised Code for the tax period in which the relocation occurs 2135
and any subsequent tax periods. 2136

(G) Financial statements and other information submitted to 2137
the department of development or the tax credit authority by an 2138
applicant for or recipient of a tax credit under this section, and 2139

any information taken for any purpose from such statements or 2140
information, are not public records subject to section 149.43 of 2141
the Revised Code. However, the chairperson of the authority may 2142
make use of the statements and other information for purposes of 2143
issuing public reports or in connection with court proceedings 2144
concerning tax credit agreements under this section. Upon the 2145
request of the tax commissioner, the chairperson of the authority 2146
shall provide to the commissioner any statement or other 2147
information submitted by an applicant for or recipient of a tax 2148
credit in connection with the credit. The commissioner shall 2149
preserve the confidentiality of the statement or other 2150
information. 2151

(H) A taxpayer claiming a tax credit under this section shall 2152
submit to the tax commissioner a copy of the director of 2153
development's certificate of verification under division (E)(7) of 2154
this section with the taxpayer's tax report or return for the 2155
taxable year or for the calendar year that includes the tax 2156
period. Failure to submit a copy of the certificate with the 2157
report or return does not invalidate a claim for a credit if the 2158
taxpayer submits a copy of the certificate to the commissioner 2159
within sixty days after the commissioner requests it. 2160

(I) For the purposes of this section, a taxpayer may include 2161
a partnership, a corporation that has made an election under 2162
subchapter S of chapter one of subtitle A of the Internal Revenue 2163
Code, or any other business entity through which income flows as a 2164
distributive share to its owners. ~~A tax credit received under this~~ 2165
~~section by a partnership, S-corporation, or other such business~~ 2166
~~entity shall be apportioned among~~ may elect to pass the credit 2167
received under this section through to the persons to whom the 2168
income or profit of the partnership, S-corporation, or other 2169
entity is distributed⁷. The election shall be made on the annual 2170
report required under division (E)(6) of this section. The 2171

election applies to and is irrevocable for the credit for which 2172
the report is submitted. If the election is made, the credit shall 2173
be apportioned among those persons in the same proportions as 2174
those in which the income or profit is distributed. 2175

(J) If the director of development determines that a taxpayer 2176
that received a tax credit under this section is not complying 2177
with the requirement under division (E)(4) of this section, the 2178
director shall notify the tax credit authority of the 2179
noncompliance. After receiving such a notice, and after giving the 2180
taxpayer an opportunity to explain the noncompliance, the 2181
authority may terminate the agreement and require the taxpayer to 2182
refund to the state all or a portion of the credit claimed in 2183
previous years, as follows: 2184

(1) If the taxpayer maintained operations at the project site 2185
for less than the term of the credit, the amount required to be 2186
refunded shall not exceed the amount of any tax credits previously 2187
allowed and received under this section. 2188

(2) If the taxpayer maintained operations at the project site 2189
longer than the term of the credit but less than one and one-half 2190
times the term of the credit, the amount required to be refunded 2191
shall not exceed fifty per cent of the sum of any tax credits 2192
previously allowed and received under this section. 2193

(3) If the taxpayer maintained operations at the project site 2194
for at least one and one-half times the term of the credit but 2195
less than twice the term of the credit, the amount required to be 2196
refunded shall not exceed twenty-five per cent of the sum of any 2197
tax credits previously allowed and received under this section. 2198

In determining the portion of the credit to be refunded to 2199
this state, the authority shall consider the effect of market 2200
conditions on the taxpayer's project and whether the taxpayer 2201
continues to maintain other operations in this state. After making 2202

the determination, the authority shall certify the amount to be 2203
refunded to the tax commissioner. The commissioner shall make an 2204
assessment for that amount against the taxpayer under Chapter 2205
5733., 5747., or 5751. of the Revised Code. The time limitations 2206
on assessments under those chapters do not apply to an assessment 2207
under this division, but the commissioner shall make the 2208
assessment within one year after the date the authority certifies 2209
to the commissioner the amount to be refunded. 2210

If the director of development determines that a taxpayer 2211
that received a tax credit under this section has reduced the 2212
number of employees agreed to under division (E)(5) of this 2213
section by more than ten per cent, the director shall notify the 2214
tax credit authority of the noncompliance. After receiving such 2215
notice, and after providing the taxpayer an opportunity to explain 2216
the noncompliance, the authority may amend the agreement to reduce 2217
the percentage or term of the tax credit. The reduction in the 2218
percentage or term shall take effect in the taxable year, or in 2219
the calendar year that includes the tax period, in which the 2220
authority amends the agreement. 2221

(K) The director of development, after consultation with the 2222
tax commissioner and in accordance with Chapter 119. of the 2223
Revised Code, shall adopt rules necessary to implement this 2224
section. The rules may provide for recipients of tax credits under 2225
this section to be charged fees to cover administrative costs of 2226
the tax credit program. The fees collected shall be credited to 2227
the tax incentive programs operating fund created in section 2228
122.174 of the Revised Code. At the time the director gives public 2229
notice under division (A) of section 119.03 of the Revised Code of 2230
the adoption of the rules, the director shall submit copies of the 2231
proposed rules to the chairpersons of the standing committees on 2232
economic development in the senate and the house of 2233
representatives. 2234

(L) On or before the thirty-first day of March of each year, 2235
the director of development shall submit a report to the governor, 2236
the president of the senate, and the speaker of the house of 2237
representatives on the tax credit program under this section. The 2238
report shall include information on the number of agreements that 2239
were entered into under this section during the preceding calendar 2240
year, a description of the project that is the subject of each 2241
such agreement, and an update on the status of projects under 2242
agreements entered into before the preceding calendar year. 2243

(M)(1) A nonrefundable credit shall be allowed to an 2244
applicable corporation and its related members in an amount equal 2245
to the applicable difference. The credit is in addition to the 2246
credit granted to the corporation or related members under 2247
division (B) of this section. The credit is subject to divisions 2248
(B) to (E) and division (J) of this section. 2249

(2) A person qualifying as an applicable corporation under 2250
this section for a tax year does not necessarily qualify as an 2251
applicable corporation for any other tax year. No person is 2252
entitled to the credit allowed under division (M) of this section 2253
for the tax year immediately following the taxable year during 2254
which the person fails to meet the requirements in divisions 2255
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 2256
to the credit allowed under division (M) of this section for any 2257
tax year for which the person is not eligible for the credit 2258
provided under division (B) of this section. 2259

Sec. 122.174. There is hereby created in the state treasury 2260
the tax incentive programs operating fund. Money collected 2261
pursuant to division (I) of section 121.17, division (K) of 2262
section 122.171, division (C) of section 3735.672, and division 2263
(C) of section 5709.68 of the Revised Code shall be credited to 2264
the fund. The director of development shall use money in the fund 2265

to pay expenses related to the administration of the tax credit 2266
programs authorized by sections 122.17, 122.171, 3735.672, and 2267
5709.68 of the Revised Code. 2268

Sec. 122.602. (A) There is hereby created in the department 2269
of development the capital access loan program to assist 2270
participating financial institutions in making program loans to 2271
eligible businesses that face barriers in accessing working 2272
capital and obtaining fixed asset financing. In administering the 2273
program, the director of development may do any of the following: 2274

(1) Receive and accept grants, gifts, and contributions of 2275
money, property, labor, and other things of value to be held, 2276
used, and applied only for the purpose for which the grants, 2277
gifts, and contributions are made, from individuals, private and 2278
public corporations, the United States or any agency of the United 2279
States, the state or any agency of the state, or any political 2280
subdivision of the state; 2281

(2) Agree to repay any contribution of money or return any 2282
property contributed or the value of that property at the times, 2283
in the amounts, and on the terms and conditions, excluding the 2284
payment of interest, that the director consents to at the time a 2285
contribution is made; and evidence obligations by notes, bonds, or 2286
other written instruments; 2287

(3) Adopt rules under Chapter 119. of the Revised Code to 2288
carry out the purposes of the program specified in sections 122.60 2289
to 122.605 of the Revised Code; 2290

(4) Engage in all other acts, and enter into contracts and 2291
execute all instruments, necessary or appropriate to carry out the 2292
purposes specified in sections 122.60 to 122.605 of the Revised 2293
Code. 2294

(B) The director shall determine the eligibility of a 2295

financial institution to participate in the program and may set a 2296
limit on the number of financial institutions that may participate 2297
in the program. 2298

(C) To be considered eligible by the director to participate 2299
in the program, a financial institution shall enter into a 2300
participation agreement with the department that sets out the 2301
terms and conditions under which the department will deposit 2302
moneys from the fund into the financial institution's program 2303
reserve account, specifies the criteria for loan qualification 2304
under the program, and contains any additional terms the director 2305
considers necessary. 2306

(D) After receiving the certification required under division 2307
(C) of section 122.603 of the Revised Code, the director may 2308
disburse moneys from the fund to a participating financial 2309
institution for deposit in its program reserve account if the 2310
director determines that the capital access loan involved meets 2311
all of the following criteria: 2312

(1) It will be made to an eligible business. 2313

(2) It will be used by the eligible business for a project, 2314
activity, or enterprise that fosters economic development. 2315

(3) It will not be made in order to enroll in the program 2316
prior debt that is not covered under the program and that is owed 2317
or was previously owed by an eligible business to the financial 2318
institution. 2319

(4) It will not be utilized for a project or development 2320
related to the on-site construction or purchase of residential 2321
housing. 2322

(5) It will not be used to finance passive real estate 2323
ownership. 2324

(6) It conforms to the requirements of divisions (E), (F), 2325

(G), (H), and (I) of this section, and to the rules adopted by the 2326
director under division (A)(3) of this section. 2327

(E) The director shall not approve a capital access loan to 2328
an eligible business that exceeds two hundred fifty thousand 2329
dollars for working capital or five hundred thousand dollars for 2330
the purchase of fixed assets. An eligible business may apply for 2331
the maximum amount of both working capital and the purchase of 2332
fixed assets in the same capital access loan. 2333

(F) A financial institution may apply to the director for the 2334
approval of a capital access loan to any business that is owned or 2335
operated by a person that has previously defaulted under any state 2336
financial assistance program. 2337

(G) Eligible businesses that apply for a capital access loan 2338
shall comply with section 9.66 of the Revised Code. 2339

(H) A financial institution may apply to the director for the 2340
approval of a capital access loan that refinances a nonprogram 2341
loan made by another financial institution. 2342

(I) The director shall not approve a capital access loan that 2343
refinances a nonprogram loan made by the same financial 2344
institution, unless the amount of the refinanced loan exceeds the 2345
existing debt, in which case only the amount exceeding the 2346
existing debt is eligible for a loan under the program. 2347

~~(J) The director shall not approve any capital access loan 2348
made after June 30, 2007, or enter into a participation agreement 2349
with any financial institution after that date. 2350~~

Sec. 122.652. (A)(1) An applicant seeking a grant or loan for 2351
a brownfield cleanup or remediation project from the clean Ohio 2352
revitalization fund created in section 122.658 of the Revised Code 2353
shall request an application form from the appropriate integrating 2354
committee with geographical jurisdiction over the project for 2355

which a grant or loan is sought. The applicant shall complete the application and include all of the information required by sections 122.65 to 122.658 of the Revised Code and policies and requirements established under section 122.657 of the Revised Code.

(2) In addition to the information that is required to be included in the application under division (A)(1) of this section, an applicant shall include an affidavit signed by the authorized representative of the applicant certifying that the applicant did not cause or contribute to the release of hazardous substances or petroleum at the brownfield that is the subject of the application.

No person shall submit a false affidavit under division (A)(2) of this section.

(3) After completion of the application, but prior to the submission of the application to the integrating committee under division (B) of this section, the applicant shall conduct a public meeting concerning the application and the proposed cleanup or remediation. Not later than forty-five days prior to conducting the public meeting, the applicant shall provide notice of the date, time, and location of the public meeting in a newspaper of general circulation in the county in which the property that is the subject of the application is located. In addition, not later than forty-five days prior to the hearing, the applicant shall post notice of the date, time, and location of the public meeting at the property on a sign that measures not less than four feet by four feet or, if the political subdivision in which the sign is to be posted prohibits a sign of that size, the maximum size of sign permitted by that political subdivision.

In addition, not later than forty-five days prior to the public meeting, the applicant shall provide a copy of the application to a public library in the vicinity of the property

for public review. The submission of the application and the 2388
location of the public library shall be included in the notice 2389
required under this division. The general public may submit 2390
comments to the applicant concerning the application prior to and 2391
at the public meeting. 2392

(B) An applicant shall submit a completed application, all 2393
required information, and an application summary to the 2394
appropriate integrating committee. Based on a review of the 2395
application summaries submitted to it, an integrating committee 2396
or, if required under division (C) of this section, the executive 2397
committee of the integrating committee shall prioritize all 2398
applications in accordance with criteria and procedures 2399
established pursuant to section 122.657 of the Revised Code. The 2400
integrating committee shall choose not more than six applications 2401
annually that it determines merit funding and shall forward those 2402
applications and all accompanying information to the clean Ohio 2403
council. In prioritizing and choosing applications under this 2404
division, an integrating committee or, if required under division 2405
(C) of this section, the executive committee of the integrating 2406
committee shall consult with local and regional economic 2407
development agencies or resources, community development agencies 2408
or organizations, local business organizations, and other 2409
appropriate entities located or operating in the geographic 2410
jurisdiction of the integrating committee. 2411

Notwithstanding this division or division (C) of this 2412
section, if an integrating committee receives only one application 2413
in any given year, the chair of the integrating committee or, if 2414
required under division (C) of this section, the chair of the 2415
executive committee of the integrating committee may forward that 2416
application to the clean Ohio council as the district's top 2417
priority project for that year without a vote of the full 2418
integrating committee or executive committee, as applicable. 2419

(C) For purposes of division (B) of this section, all
decisions of an integrating committee that is required to be
organized in accordance with division (A)(5) or (6) of section
164.04 of the Revised Code shall be approved by its executive
committee that is required to be established under division (A)(7)
or (8) of that section. The affirmative vote of at least seven
members of an executive committee established under division
(A)(7) of section 164.04 of the Revised Code, or of at least nine
members of an executive committee established under division
(A)(8) of that section, is required for any action taken by an
executive committee for purposes of division (B) of this section.
A decision of an executive committee may be rejected by a vote of
at least two-thirds of the full membership of the applicable
integrating committee not later than thirty days after the
executive committee action. If an executive committee is required
under this division to prioritize applications under division (B)
of this section, only applications that are approved by the
executive committee may be submitted to the clean Ohio council for
purposes of sections 122.65 to 122.659 of the Revised Code.

(D) The clean Ohio council shall supply application forms to
each integrating committee.

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

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

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

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

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

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

Schedule E-1

		Pay Ranges and Step Values						2483
		Step	Step	Step	Step	Step	Step	2484
Range		1	2	3	4	5	6	2485
1	Hourly	9.40	9.82	10.24	10.68			2486
	Annually	19552	20426	21299	22214			2487
2	Hourly	11.40	11.88	12.40	12.94			2488
	Annually	23712	24710	25792	26915			2489
3	Hourly	11.94	12.48	13.03	13.60			2490
	Annually	24835	25958	27102	28288			2491
4	Hourly	12.54	13.10	13.72	14.34			2492
	Annually	26083	27248	28538	29827			2493
5	Hourly	13.15	13.75	14.34	14.97			2494
	Annually	27352	28600	29827	31138			2495
6	Hourly	13.86	14.43	15.07	15.69			2496
	Annually	28829	30014	31346	32635			2497
7	Hourly	14.72	15.27	15.88	16.44	17.08		2498
	Annually	30618	31762	33030	34195	35526		2499
8	Hourly	15.56	16.24	16.95	17.71	18.46		2500
	Annually	32365	33779	35256	36837	38397		2501
9	Hourly	16.60	17.46	18.32	19.23	20.21		2502
	Annually	34528	36317	38106	39998	42037		2503
10	Hourly	17.91	18.89	19.90	21.05	22.18		2504
	Annually	37253	39291	41392	43784	46134		2505
11	Hourly	19.50	20.64	21.84	23.06	24.38		2506
	Annually	40560	42931	45427	47965	50710		2507
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	2508
	Annually	44741	47258	49795	52562	55494	58510	2509
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	2510
	Annually	49317	52021	54891	57824	61069	64397	2511
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	2512
	Annually	54246	57304	60382	63690	67288	71032	2513
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	2514
	Annually	59571	62920	66477	70138	74027	78104	2515

16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	2516
	Annually	65686	69326	73154	77251	81515	86174	2517
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	2518
	Annually	72384	76378	80662	85114	89856	94869	2519
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	2520
	Annually	79768	84178	88920	93808	99008	104541	2521

Schedule E-2 2522

	Range		Minimum		Maximum		2523
41	Hourly		16.23		34.77		2524
	Annually		33758		72322		2525
42	Hourly		17.89		38.41		2526
	Annually		37211		79893		2527
43	Hourly		19.70		42.30		2528
	Annually		40976		87984		2529
44	Hourly		21.73		46.21		2530
	Annually		45198		96117		2531
45	Hourly		24.01		50.44		2532
	Annually		49941		104915		2533
46	Hourly		26.43		55.13		2534
	Annually		54974		114670		2535
47	Hourly		29.14		60.16		2536
	Annually		60611		125133		2537
48	Hourly		32.14		65.65		2538
	Annually		66851		136552		2539
49	Hourly		35.44		70.89		2540
	Annually		73715		147451		2541

(C) Beginning on the first day of the pay period that 2542
includes July 1, 2007, each exempt employee who must be paid in 2543
accordance with schedule E-1 or schedule E-2 of this section shall 2544
be paid a salary or wage in accordance with the following schedule 2545
of rates: 2546

Schedule E-1 2547

		<u>Pay Ranges and Step Values</u>						2548
		<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	2549
<u>Range</u>		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	2550
<u>1</u>	<u>Hourly</u>	<u>9.73</u>	<u>10.16</u>	<u>10.60</u>	<u>11.05</u>			2551
	<u>Annually</u>	<u>20238</u>	<u>21133</u>	<u>22048</u>	<u>22984</u>			2552
<u>2</u>	<u>Hourly</u>	<u>11.80</u>	<u>12.30</u>	<u>12.83</u>	<u>13.39</u>			2553
	<u>Annually</u>	<u>24544</u>	<u>25584</u>	<u>26686</u>	<u>27851</u>			2554
<u>3</u>	<u>Hourly</u>	<u>12.36</u>	<u>12.92</u>	<u>13.49</u>	<u>14.08</u>			2555
	<u>Annually</u>	<u>25709</u>	<u>26874</u>	<u>28059</u>	<u>29286</u>			2556
<u>4</u>	<u>Hourly</u>	<u>12.98</u>	<u>13.56</u>	<u>14.20</u>	<u>14.84</u>			2557
	<u>Annually</u>	<u>26998</u>	<u>28205</u>	<u>29536</u>	<u>30867</u>			2558
<u>5</u>	<u>Hourly</u>	<u>13.61</u>	<u>14.23</u>	<u>14.84</u>	<u>15.49</u>			2559
	<u>Annually</u>	<u>28309</u>	<u>29598</u>	<u>30867</u>	<u>32219</u>			2560
<u>6</u>	<u>Hourly</u>	<u>14.35</u>	<u>14.94</u>	<u>15.60</u>	<u>16.24</u>			2561
	<u>Annually</u>	<u>29848</u>	<u>31075</u>	<u>32448</u>	<u>33779</u>			2562
<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>		2563
	<u>Annually</u>	<u>31699</u>	<u>32864</u>	<u>34195</u>	<u>35402</u>	<u>36774</u>		2564
<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>		2565
	<u>Annually</u>	<u>33488</u>	<u>34965</u>	<u>36483</u>	<u>38126</u>	<u>39749</u>		2566
<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>		2567
	<u>Annually</u>	<u>35734</u>	<u>37586</u>	<u>39437</u>	<u>41392</u>	<u>43514</u>		2568
<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>		2569
	<u>Annually</u>	<u>38563</u>	<u>40664</u>	<u>42848</u>	<u>45323</u>	<u>47757</u>		2570
<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>		2571
	<u>Annually</u>	<u>41974</u>	<u>44429</u>	<u>47008</u>	<u>49650</u>	<u>52478</u>		2572
<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>	2573
	<u>Annually</u>	<u>46301</u>	<u>48922</u>	<u>51542</u>	<u>54392</u>	<u>57429</u>	<u>60549</u>	2574
<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>	2575
	<u>Annually</u>	<u>51043</u>	<u>53851</u>	<u>56805</u>	<u>59842</u>	<u>63211</u>	<u>66643</u>	2576
<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>	2577
	<u>Annually</u>	<u>56139</u>	<u>59301</u>	<u>62504</u>	<u>65915</u>	<u>69638</u>	<u>73528</u>	2578
<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>	2579
	<u>Annually</u>	<u>61651</u>	<u>65125</u>	<u>68806</u>	<u>72592</u>	<u>76627</u>	<u>80829</u>	2580

16	<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>	2581
	<u>Annually</u>	<u>67995</u>	<u>71760</u>	<u>75712</u>	<u>79955</u>	<u>84365</u>	<u>89190</u>	2582
17	<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>	2583
	<u>Annually</u>	<u>74922</u>	<u>79061</u>	<u>83491</u>	<u>88088</u>	<u>92997</u>	<u>98197</u>	2584
18	<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>	2585
	<u>Annually</u>	<u>82555</u>	<u>87131</u>	<u>92040</u>	<u>97094</u>	<u>102482</u>	<u>108202</u>	2586

Schedule E-2 2587

	<u>Range</u>	<u>Minimum</u>	<u>Maximum</u>	
41	<u>Hourly</u>	<u>16.23</u>	<u>35.99</u>	2589
	<u>Annually</u>	<u>33758</u>	<u>74859</u>	2590
42	<u>Hourly</u>	<u>17.89</u>	<u>39.75</u>	2591
	<u>Annually</u>	<u>37211</u>	<u>82680</u>	2592
43	<u>Hourly</u>	<u>19.70</u>	<u>43.78</u>	2593
	<u>Annually</u>	<u>40976</u>	<u>91062</u>	2594
44	<u>Hourly</u>	<u>21.73</u>	<u>47.83</u>	2595
	<u>Annually</u>	<u>45198</u>	<u>99486</u>	2596
45	<u>Hourly</u>	<u>24.01</u>	<u>52.21</u>	2597
	<u>Annually</u>	<u>49941</u>	<u>108597</u>	2598
46	<u>Hourly</u>	<u>26.43</u>	<u>57.06</u>	2599
	<u>Annually</u>	<u>54974</u>	<u>118685</u>	2600
47	<u>Hourly</u>	<u>29.14</u>	<u>62.27</u>	2601
	<u>Annually</u>	<u>60611</u>	<u>129522</u>	2602
48	<u>Hourly</u>	<u>32.14</u>	<u>67.95</u>	2603
	<u>Annually</u>	<u>66851</u>	<u>141336</u>	2604
49	<u>Hourly</u>	<u>35.44</u>	<u>73.37</u>	2605
	<u>Annually</u>	<u>73715</u>	<u>152610</u>	2606

(D) Beginning on the first day of the pay period that 2607
includes July 1, 2008, each exempt employee who must be paid in 2608
accordance with schedule E-1 or schedule E-2 of this section shall 2609
be paid a salary or wage in accordance with the following schedule 2610
of rates: 2611

Schedule E-1 2612

		<u>Pay Ranges and Step Values</u>						2613
		<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	2614
<u>Range</u>		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	2615
<u>1</u>	<u>Hourly</u>	<u>10.07</u>	<u>10.52</u>	<u>10.97</u>	<u>11.44</u>			2616
	<u>Annually</u>	<u>20946</u>	<u>21882</u>	<u>22818</u>	<u>23795</u>			2617
<u>2</u>	<u>Hourly</u>	<u>12.21</u>	<u>12.73</u>	<u>13.28</u>	<u>13.86</u>			2618
	<u>Annually</u>	<u>25397</u>	<u>26478</u>	<u>27622</u>	<u>28829</u>			2619
<u>3</u>	<u>Hourly</u>	<u>12.79</u>	<u>13.37</u>	<u>13.96</u>	<u>14.57</u>			2620
	<u>Annually</u>	<u>26603</u>	<u>27810</u>	<u>29037</u>	<u>30306</u>			2621
<u>4</u>	<u>Hourly</u>	<u>13.43</u>	<u>14.03</u>	<u>14.70</u>	<u>15.36</u>			2622
	<u>Annually</u>	<u>27934</u>	<u>29182</u>	<u>30576</u>	<u>31949</u>			2623
<u>5</u>	<u>Hourly</u>	<u>14.09</u>	<u>14.73</u>	<u>15.36</u>	<u>16.03</u>			2624
	<u>Annually</u>	<u>29307</u>	<u>30638</u>	<u>31949</u>	<u>33342</u>			2625
<u>6</u>	<u>Hourly</u>	<u>14.85</u>	<u>15.46</u>	<u>16.15</u>	<u>16.81</u>			2626
	<u>Annually</u>	<u>30888</u>	<u>32157</u>	<u>33592</u>	<u>34965</u>			2627
<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>		2628
	<u>Annually</u>	<u>32802</u>	<u>34008</u>	<u>35402</u>	<u>36650</u>	<u>38064</u>		2629
<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>		2630
	<u>Annually</u>	<u>34653</u>	<u>36192</u>	<u>37752</u>	<u>39458</u>	<u>41142</u>		2631
<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>		2632
	<u>Annually</u>	<u>36982</u>	<u>38896</u>	<u>40810</u>	<u>42848</u>	<u>45032</u>		2633
<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>		2634
	<u>Annually</u>	<u>39915</u>	<u>42078</u>	<u>44346</u>	<u>46904</u>	<u>49421</u>		2635
<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>		2636
	<u>Annually</u>	<u>43451</u>	<u>45989</u>	<u>48651</u>	<u>51397</u>	<u>54309</u>		2637
<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>	2638
	<u>Annually</u>	<u>47923</u>	<u>50627</u>	<u>53352</u>	<u>56306</u>	<u>59446</u>	<u>62670</u>	2639
<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>	2640
	<u>Annually</u>	<u>52832</u>	<u>55744</u>	<u>58802</u>	<u>61942</u>	<u>65416</u>	<u>68973</u>	2641
<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>	2642
	<u>Annually</u>	<u>58094</u>	<u>61381</u>	<u>64688</u>	<u>68224</u>	<u>72072</u>	<u>76107</u>	2643
<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>	2644
	<u>Annually</u>	<u>63814</u>	<u>67413</u>	<u>71219</u>	<u>75130</u>	<u>79310</u>	<u>83658</u>	2645

<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>	2646
	<u>Annually</u>	<u>70366</u>	<u>74277</u>	<u>78354</u>	<u>82763</u>	<u>87318</u>	<u>92310</u>	2647
<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>	2648
	<u>Annually</u>	<u>77542</u>	<u>81827</u>	<u>86403</u>	<u>91166</u>	<u>96242</u>	<u>101629</u>	2649
<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>	2650
	<u>Annually</u>	<u>85446</u>	<u>90189</u>	<u>95264</u>	<u>100485</u>	<u>106059</u>	<u>111987</u>	2651

Schedule E-2 2652

	<u>Range</u>	<u>Minimum</u>	<u>Maximum</u>	
<u>41</u>	<u>Hourly</u>	<u>16.23</u>	<u>37.25</u>	2654
	<u>Annually</u>	<u>33758</u>	<u>77480</u>	2655
<u>42</u>	<u>Hourly</u>	<u>17.89</u>	<u>41.14</u>	2656
	<u>Annually</u>	<u>37211</u>	<u>85571</u>	2657
<u>43</u>	<u>Hourly</u>	<u>19.70</u>	<u>45.31</u>	2658
	<u>Annually</u>	<u>40976</u>	<u>94245</u>	2659
<u>44</u>	<u>Hourly</u>	<u>21.73</u>	<u>49.50</u>	2660
	<u>Annually</u>	<u>45198</u>	<u>102960</u>	2661
<u>45</u>	<u>Hourly</u>	<u>24.01</u>	<u>54.04</u>	2662
	<u>Annually</u>	<u>49941</u>	<u>112403</u>	2663
<u>46</u>	<u>Hourly</u>	<u>26.43</u>	<u>59.06</u>	2664
	<u>Annually</u>	<u>54974</u>	<u>122845</u>	2665
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>64.45</u>	2666
	<u>Annually</u>	<u>60611</u>	<u>134056</u>	2667
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>70.33</u>	2668
	<u>Annually</u>	<u>66851</u>	<u>146286</u>	2669
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>75.94</u>	2670
	<u>Annually</u>	<u>73715</u>	<u>157955</u>	2671

(E) Beginning on the first day of the pay period that 2672
includes July 1, 2006, each exempt employee who must be paid in 2673
accordance with schedule E-1 for step seven only shall be paid a 2674
salary or wage in accordance with the following schedule of rates: 2675
Schedule E-1 for Step Seven Only 2676
Pay Ranges and Step Seven Values 2677

	Range		2678
12	Hourly	29.68	2679
	Annually	61734	2680
13	Hourly	32.66	2681
	Annually	67933	2682
14	Hourly	36.01	2683
	Annually	74901	2684
15	Hourly	39.61	2685
	Annually	82389	2686
16	Hourly	43.70	2687
	Annually	90896	2688
17	Hourly	48.13	2689
	Annually	100110	2690
18	Hourly	53.02	2691
	Annually	110282	2692

~~(D)~~(F) Beginning on the first day of the pay period that includes July 1, 2007, each exempt employee who must be paid in accordance with schedule E-1 for step seven only shall be paid a salary or wage in accordance with the following schedule of rates:

Schedule E-1 for Step Seven Only

		<u>Pay Ranges and Step Values</u>	2698
	<u>Range</u>		2699
<u>12</u>	<u>Hourly</u>	<u>30.72</u>	2700
	<u>Annually</u>	<u>63898</u>	2701
<u>13</u>	<u>Hourly</u>	<u>33.80</u>	2702
	<u>Annually</u>	<u>70304</u>	2703
<u>14</u>	<u>Hourly</u>	<u>37.27</u>	2704
	<u>Annually</u>	<u>77522</u>	2705
<u>15</u>	<u>Hourly</u>	<u>41.00</u>	2706
	<u>Annually</u>	<u>85280</u>	2707
<u>16</u>	<u>Hourly</u>	<u>45.23</u>	2708
	<u>Annually</u>	<u>94078</u>	2709

<u>17</u>	<u>Hourly</u>	<u>49.81</u>	2710
	<u>Annually</u>	<u>103605</u>	2711
<u>18</u>	<u>Hourly</u>	<u>54.88</u>	2712
	<u>Annually</u>	<u>114150</u>	2713

(G) Beginning on the first day of the pay period that 2714
includes July 1, 2008, each exempt employee who must be paid in 2715
accordance with salary schedule E-1 for step seven only shall be 2716
paid a salary or wage in accordance with the following schedule of 2717
rates: 2718

Schedule E-1 for Step Seven Only 2719

<u>Pay Ranges and Step Values</u>			2720
<u>Range</u>			2721
<u>12</u>	<u>Hourly</u>	<u>31.80</u>	2722
	<u>Annually</u>	<u>66144</u>	2723
<u>13</u>	<u>Hourly</u>	<u>34.98</u>	2724
	<u>Annually</u>	<u>72758</u>	2725
<u>14</u>	<u>Hourly</u>	<u>38.57</u>	2726
	<u>Annually</u>	<u>80226</u>	2727
<u>15</u>	<u>Hourly</u>	<u>42.44</u>	2728
	<u>Annually</u>	<u>88275</u>	2729
<u>16</u>	<u>Hourly</u>	<u>46.81</u>	2730
	<u>Annually</u>	<u>97365</u>	2731
<u>17</u>	<u>Hourly</u>	<u>51.55</u>	2732
	<u>Annually</u>	<u>107224</u>	2733
<u>18</u>	<u>Hourly</u>	<u>56.80</u>	2734
	<u>Annually</u>	<u>118144</u>	2735

(H) As used in this section, "exempt employee" means a 2736
permanent full-time or permanent part-time employee paid directly 2737
by warrant of the director of budget and management whose position 2738
is included in the job classification plan established under 2739
division (A) of section 124.14 of the Revised Code but who is not 2740
considered a public employee for the purposes of Chapter 4117. of 2741

the Revised Code. As used in this section, "exempt employee" also 2742
includes a permanent full-time or permanent part-time employee of 2743
the secretary of state, auditor of state, treasurer of state, or 2744
attorney general who has not been placed in an appropriate 2745
bargaining unit by the state employment relations board. 2746

Sec. 125.01. As used in this chapter: 2747

(A) "Order" means a copy of a contract or a statement of the 2748
nature of a contemplated expenditure, a description of the 2749
property or supplies to be purchased or service to be performed, 2750
other than a service performed by officers and regular employees 2751
of the state, and per diem of the national guard, and the total 2752
sum of the expenditure to be made therefor, if the sum is fixed 2753
and ascertained, otherwise the estimated sum thereof, and an 2754
authorization to pay for the contemplated expenditure, signed by 2755
the person instructed and authorized to pay upon receipt of a 2756
proper invoice. 2757

(B) "Information technology" means technologies and services 2758
used for information processing, including, but not limited to, 2759
software, computing hardware, communications technologies, and 2760
related services. 2761

(C) "Invoice" means an itemized listing showing delivery of 2762
the supplies or performance of the service described in the order, 2763
and the date of the purchase or rendering of the service, or an 2764
itemization of the things done, material supplied, or labor 2765
furnished, and the sum due pursuant to the contract or obligation. 2766

~~(C)~~(D) "Products" means materials, manufacturer's supplies, 2767
merchandise, goods, wares, and foodstuffs. 2768

~~(D)~~(E) "Produced" means the manufacturing, processing, 2769
mining, developing, and making of a thing into a new article with 2770
a distinct character in use through the application of input, 2771

within the state, of Ohio products, labor, skill, or other 2772
services. "Produced" does not include the mere assembling or 2773
putting together of non-Ohio products or materials. 2774

~~(E)~~(F) "Ohio products" means products that are mined, 2775
excavated, produced, manufactured, raised, or grown in the state 2776
by a person where the input of Ohio products, labor, skill, or 2777
other services constitutes no less than twenty-five per cent of 2778
the manufactured cost. With respect to mined products, such 2779
products shall be mined or excavated in this state. 2780

~~(F)~~(G) "Purchase" means to buy, rent, lease, lease purchase, 2781
or otherwise acquire supplies or services. "Purchase" also 2782
includes all functions that pertain to the obtaining of supplies 2783
or services, including description of requirements, selection and 2784
solicitation of sources, preparation and award of contracts, all 2785
phases of contract administration, and receipt and acceptance of 2786
the supplies and services and payment for them. 2787

(H) "Purchasing authority" means the department of 2788
administrative services or the office of information technology as 2789
set forth in section 125.011 of the Revised Code. 2790

~~(G)~~(I) "Services" means the furnishing of labor, time, or 2791
effort by a person, not involving the delivery of a specific end 2792
product other than a report which, if provided, is merely 2793
incidental to the required performance. "Services" does not 2794
include services furnished pursuant to employment agreements or 2795
collective bargaining agreements. 2796

~~(H)~~(J) "Supplies" means all property, including, but not 2797
limited to, equipment, materials, other tangible assets, and 2798
insurance, but excluding real property or an interest in real 2799
property. 2800

~~(I)~~(K) "Competitive selection" means any of the following 2801
procedures for making purchases: 2802

(1) Competitive sealed bidding under section 125.07 of the Revised Code; 2803
2804

(2) Competitive sealed proposals under section 125.071 of the Revised Code; 2805
2806

(3) Reverse auctions under section 125.072 of the Revised Code. 2807
2808

Sec. 125.011. Except for information technology supplies and services, the department of administrative services shall be the purchasing authority for all supplies and services for the purposes of and subject to the limitations of sections 125.01 to 125.11, 125.15, and 125.25 of the Revised Code. The office of information technology shall be the purchasing authority for information technology supplies and services in accordance with section 126.17 of the Revised Code for the purposes of and subject to the limitations of sections 125.01 to 125.11, 125.15, and 125.25 of the Revised Code. The department of administrative services and the office of information technology shall consult with each other to promote consistency when adopting any rules under sections 125.01 to 125.11, 125.15, and 125.25 of the Revised Code. 2809
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Sec. 125.02. Except as to the adjutant general, the capital square review and advisory board, the department of rehabilitation and correction as specified in division (D) of section 125.04 of the Revised Code, the general assembly, the bureau of workers' compensation, and institutions administered by boards of trustees, ~~the department of administrative services~~ a purchasing authority may purchase supplies and services for the use of state agencies. 2823
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So far as possible, the ~~department of administrative services~~ purchasing authority shall make all purchases from the department of rehabilitation and correction in the exercise of the functions 2830
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of the department of rehabilitation and correction in the 2833
management of state institutions. 2834

The ~~department of administrative services~~ purchasing 2835
authority shall prescribe uniform rules governing forms of 2836
specifications, advertisements for proposals, the opening of bids, 2837
the making of awards and contracts, and the purchase of supplies 2838
and performance of work. 2839

Nothing in this section precludes the bureau from entering 2840
into a contract with ~~the department of administrative services a~~ 2841
purchasing authority for the ~~department~~ purchasing authority to 2842
purchase supplies, or services for the use of the bureau. 2843

Sec. 125.021. (A) ~~Except as to the military department, the~~ 2844
~~general assembly, the bureau of workers' compensation, the~~ 2845
~~industrial commission, and institutions administered by boards of~~ 2846
~~trustees, the office of information technology may contract for,~~ 2847
~~operate, and superintend telephone, other telecommunication, and~~ 2848
~~computer services for state agencies. Nothing in this division~~ 2849
~~precludes the bureau or the commission from contracting with the~~ 2850
~~office to authorize the office to contract for, operate, or~~ 2851
~~superintend those services for the bureau or the commission.~~ 2852

~~(B)(1)~~ As used in this division: 2853

~~(a)(1)~~ "Active duty" means active duty pursuant to an 2854
executive order of the president of the United States, an act of 2855
the congress of the United States, or section 5919.29 or 5923.21 2856
of the Revised Code. 2857

~~(b)(2)~~ "Immediate family" means a person's spouse residing in 2858
the person's household, brothers and sisters of the whole or of 2859
the half blood, children, including adopted children and 2860
stepchildren, parents, and grandparents. 2861

~~(2)(B)~~ The office of information technology may enter into a 2862

contract to purchase bulk long distance telephone services and 2863
make them available at cost, or may make bulk long distance 2864
telephone services available at cost under any existing contract 2865
the office has entered into, to members of the immediate family of 2866
persons deployed on active duty so that those family members can 2867
communicate with the persons so deployed. If the office enters 2868
into contracts under division (B)~~(2)~~ of this section, it shall do 2869
so in accordance with sections 125.01 to 125.11 of the Revised 2870
Code and in a nondiscriminatory manner that does not place any 2871
potential vendor at a competitive disadvantage. 2872

~~(3)~~(C) If the office decides to exercise either option under 2873
division (B)~~(2)~~ of this section, it shall adopt, and may amend, 2874
rules under Chapter 119. of the Revised Code to implement that 2875
division. 2876

Sec. 125.022. ~~The department of administrative services~~ A 2877
purchasing authority may enter into cooperative purchasing 2878
agreements with one or more other states or groups of states or 2879
with any political subdivision of this state described in division 2880
(B) of section 125.04 of the Revised Code for the purpose of 2881
purchasing services or supplies produced from or containing 2882
recycled materials for the use of state agencies. 2883

Sec. 125.023. During the period of an emergency as defined in 2884
section 5502.21 of the Revised Code, the ~~department of~~ 2885
~~administrative services~~ purchasing authority may suspend, with 2886
regard to the emergency management agency established in section 2887
5502.22 of the Revised Code or any other state agency 2888
participating in recovery activities as defined in section 5502.21 2889
of the Revised Code, the purchasing and contracting requirements 2890
contained in sections 125.02 to 125.111 of the Revised Code and 2891
any of the requirements of Chapter 153. of the Revised Code that 2892
otherwise would apply to the agency. The director of public safety 2893

or the executive director of the emergency management agency shall 2894
make the request for the suspension of these requirements to the 2895
department of administrative services and the office of 2896
information technology concurrently with the request to the 2897
governor or the president of the United States for the declaration 2898
of an emergency. The governor also shall include in any 2899
proclamation the governor issues declaring an emergency language 2900
requesting the suspension of those requirements during the period 2901
of the emergency. 2902

Sec. 125.04. (A) Except as provided in division (D) of this 2903
section, the ~~department of administrative services~~ purchasing 2904
authorities shall determine what supplies and services are 2905
purchased by or for state agencies. Whenever ~~the department of~~ 2906
~~administrative services~~ a purchasing authority makes any change or 2907
addition to the lists of supplies and services that it determines 2908
to purchase for state agencies, it shall provide a list to the 2909
agencies of the changes or additions and indicate when the 2910
~~department~~ purchasing authority will be prepared to furnish each 2911
item listed. Except for the requirements of division (B) of 2912
section 125.11 of the Revised Code, sections 125.04 to 125.08 and 2913
125.09 to 125.15 of the Revised Code do not apply to or affect the 2914
educational institutions of the state. The ~~department~~ purchasing 2915
authorities shall not include the bureau of workers' compensation 2916
in the lists of supplies, equipment, and services purchased and 2917
furnished by the ~~department~~ purchasing authorities. 2918

Nothing in this division precludes the bureau from entering 2919
into a contract with the ~~department~~ purchasing authorities for the 2920
~~department~~ purchasing authorities to perform services relative to 2921
supplies, equipment, and services contained in this division for 2922
the bureau. 2923

(B)(1) As used in this division: 2924

(a) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.

(b) "Political subdivision" means any county, municipal corporation, school district, conservancy district, township park district, park district created under Chapter 1545. of the Revised Code, regional transit authority, regional airport authority, regional water and sewer district, or port authority. "Political subdivision" also includes any other political subdivision described in the Revised Code that has been approved by the department to participate in the department's contracts under this division.

(c) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.

(2) Subject to division (C) of this section, ~~the department of administrative services~~ a purchasing authority may permit a political subdivision, county board of elections, private fire company, or private, nonprofit emergency medical service organization to participate in contracts into which the ~~department purchasing authority~~ purchasing authority has entered for the purchase of supplies and services. The ~~department purchasing authority~~ purchasing authority may charge the entity a reasonable fee to cover the administrative costs the ~~department purchasing authority~~ purchasing authority incurs as a result of participation by the entity in such a purchase contract.

A political subdivision desiring to participate in such purchase contracts shall file with the ~~department purchasing authority~~ purchasing authority a certified copy of an ordinance or resolution of the legislative authority or governing board of the political subdivision. The resolution or ordinance shall request that the political subdivision be authorized to participate in such contracts and shall agree that the political subdivision will be bound by such terms and conditions as the ~~department purchasing authority~~ purchasing authority prescribes and that it will directly pay the vendor

under each purchase contract. A board of elections desiring to 2957
participate in such purchase contracts shall file with the 2958
purchasing authority a written request for inclusion in the 2959
program. A private fire company or private, nonprofit emergency 2960
medical service organization desiring to participate in such 2961
purchase contracts shall file with the ~~department~~ purchasing 2962
authority a written request for inclusion in the program signed by 2963
the chief officer of the company or organization. ~~The~~ A request 2964
for inclusion shall include an agreement to be bound by such terms 2965
and conditions as the ~~department~~ purchasing authority prescribes 2966
and to make direct payments to the vendor under each purchase 2967
contract. 2968

The ~~department~~ purchasing authority shall include in its 2969
annual report an estimate of the cost it incurs by permitting 2970
political subdivisions, county boards of elections, private fire 2971
companies, and private, nonprofit emergency medical service 2972
organizations to participate in contracts pursuant to this 2973
division. The ~~department~~ purchasing authority may require such 2974
entities to file a report with the ~~department~~ purchasing 2975
authority, as often as it finds necessary, stating how many such 2976
contracts the entities participated in within a specified period 2977
of time, and any other information the ~~department~~ purchasing 2978
authority requires. 2979

(3) Purchases made by a political subdivision or a county 2980
board of elections under this division are exempt from any 2981
competitive selection procedures otherwise required by law. No 2982
political subdivision shall make any purchase under this division 2983
when bids have been received for such purchase by the subdivision, 2984
unless such purchase can be made upon the same terms, conditions, 2985
and specifications at a lower price under this division. 2986

(C) A political subdivision as defined in division (B) of 2987
this section or a county board of elections may purchase supplies 2988

or services from another party, including ~~another~~ a political 2989
subdivision, instead of through participation in contracts 2990
described in division (B) of this section if the political 2991
subdivision or county board of elections can purchase those 2992
supplies or services from the other party upon equivalent terms, 2993
conditions, and specifications but at a lower price than it can 2994
through those contracts. Purchases that a political subdivision or 2995
county board of elections makes under this division are exempt 2996
from any competitive selection procedures otherwise required by 2997
law. A political subdivision or county board of elections that 2998
makes any purchase under this division shall maintain sufficient 2999
information regarding the purchase to verify that the political 3000
subdivision or county board of elections satisfied the conditions 3001
for making a purchase under this division. Nothing in this 3002
division restricts any action taken by a county or township as 3003
authorized by division (A)(1) of section 9.48 of the Revised Code. 3004

(D) This section does not apply to supplies or services 3005
required by the legislative or judicial branches, ~~boards of~~ 3006
~~elections~~, the capitol square review and advisory board, the 3007
adjutant general, to supplies or services purchased by a state 3008
agency directly as provided in division (A) or (E) of section 3009
125.05 of the Revised Code, to purchases of supplies or services 3010
for the emergency management agency as provided in section 125.023 3011
of the Revised Code, or to purchases of supplies or services for 3012
the department of rehabilitation and correction in its operation 3013
of the program for the employment of prisoners established under 3014
section 5145.16 of the Revised Code that shall be made pursuant to 3015
rules adopted by the director of administrative services and the 3016
director of rehabilitation and correction in accordance with 3017
Chapter 119. of the Revised Code. The rules may provide for the 3018
exemption of the program for the employment of prisoners from the 3019
requirements of division (A) of this section. 3020

Sec. 125.041. Nothing in sections 125.02, 125.03 to 125.08, 3021
125.12 to 125.16, ~~125.18~~, 125.31 to 125.76, ~~or 125.831~~, or 126.17 3022
of the Revised Code shall be construed as limiting the attorney 3023
general, auditor of state, secretary of state, or treasurer of 3024
state in any of the following: 3025

(A) Purchases for less than the dollar amounts for the 3026
purchase of supplies or services determined pursuant to division 3027
(D) of section 125.05 of the Revised Code; 3028

(B) Purchases that equal or exceed the dollar amounts for the 3029
purchase of supplies or services determined pursuant to division 3030
(D) of section 125.05 of the Revised Code with the approval of the 3031
controlling board, if that approval is required by section 127.16 3032
of the Revised Code; 3033

(C) The final determination of the nature or quantity making 3034
any purchase of supplies or services to be purchased pursuant to 3035
section 125.06 of the Revised Code; 3036

(D) The final determination and disposal of excess and 3037
surplus supplies; 3038

(E) The inventory of state property; 3039

(F) The purchase of printing; 3040

(G) Activities related to information technology development 3041
and use; 3042

(H) The fleet management program. 3043

Sec. 125.05. Except as provided in division (E) of this 3044
section, no state agency shall purchase any supplies or services 3045
except as provided in divisions (A) to (C) of this section. 3046

(A) Subject to division (D) of this section, a state agency 3047
may, without competitive selection, make any purchase of services 3048
that cost fifty thousand dollars or less or any purchase of 3049

supplies that cost twenty-five thousand dollars or less. The 3050
agency, at its determination, may make the purchase directly or 3051
may make the purchase from or through the ~~department of~~ 3052
~~administrative services, whichever the agency determines proper~~ 3053
purchasing authority. The ~~department~~ purchasing authority shall 3054
establish written procedures to assist state agencies when they 3055
make direct purchases. If the agency makes the purchase directly, 3056
it shall make the purchase by a term contract whenever possible. 3057

(B) Subject to division (D) of this section, a state agency 3058
wanting to purchase services that cost more than fifty thousand 3059
dollars or supplies that cost more than twenty-five thousand 3060
dollars shall, unless otherwise authorized by law, make the 3061
purchase from or through the ~~department~~ proper purchasing 3062
authority. The ~~department~~ purchasing authority shall make the 3063
purchase by competitive selection under section 125.07 of the 3064
Revised Code. If the ~~director of administrative services~~ 3065
purchasing authority determines that it is not possible or not 3066
advantageous to the state for the ~~department~~ purchasing authority 3067
to make the purchase, the ~~department~~ purchasing authority shall 3068
grant the agency a release and permit under section 125.06 of the 3069
Revised Code to make the purchase. Section 127.16 of the Revised 3070
Code does not apply to purchases the ~~department~~ purchasing 3071
authority makes under this section. 3072

(C) An agency that has been granted a release and permit to 3073
make a purchase may make the purchase without competitive 3074
selection if after making the purchase the cumulative purchase 3075
threshold as computed under division (F) of section 127.16 of the 3076
Revised Code would: 3077

(1) Be exceeded and the controlling board approves the 3078
purchase; 3079

(2) Not be exceeded and the ~~department of administrative~~ 3080
~~services~~ purchasing authority approves the purchase. 3081

(D) Not later than January 31, 1997, the amounts specified in 3082
divisions (A) and (B) of this section and, not later than the 3083
thirty-first day of January of each second year thereafter, any 3084
amounts computed by adjustments made under this division, shall be 3085
increased or decreased by the average percentage increase or 3086
decrease in the consumer price index prepared by the United States 3087
bureau of labor statistics (U.S. City Average for Urban Wage 3088
Earners and Clerical Workers: "All Items 1982-1984=100") for the 3089
twenty-four calendar month period prior to the immediately 3090
preceding first day of January over the immediately preceding 3091
twenty-four calendar month period, as reported by the bureau. The 3092
director of administrative services shall make this determination 3093
and adjust the appropriate amounts accordingly. 3094

(E) If the eTech Ohio commission, the department of 3095
education, or the Ohio education computer network determines that 3096
it can purchase software services or supplies for specified school 3097
districts at a price less than the price for which the districts 3098
could purchase the same software services or supplies for 3099
themselves, the commission, department, or network shall certify 3100
that fact to the ~~department of administrative services~~ office of 3101
information technology and, acting as an agent for the specified 3102
school districts, shall make that purchase without following the 3103
provisions in divisions (A) to (D) of this section. 3104

Sec. 125.06. ~~The department of administrative services~~ A 3105
purchasing authority may, pursuant to division (B) of section 3106
125.05 of the Revised Code and subject to such rules as the 3107
~~director of administrative services~~ particular purchasing 3108
authority may adopt, issue a release and permit to the agency to 3109
secure supplies or services. A release and permit shall specify 3110
the supplies or services to which it applies, the time during 3111
which it is operative, and the reason for its issuance. A release 3112
and permit for ~~computer services~~ information technology services 3113

shall also specify the type of services to be rendered, the number 3114
and type of machines to be employed, and may specify the amount of 3115
such services to be performed. One copy of every release and 3116
permit shall be filed with the agency to which it is issued, and 3117
one copy shall be retained by the ~~department~~ purchasing authority. 3118

Sec. 125.07. ~~The department of administrative services~~ A 3119
purchasing authority, in making a purchase by competitive 3120
selection pursuant to division (B) of section 125.05 of the 3121
Revised Code, shall give notice in the following manner: 3122

(A) The ~~department~~ purchasing authority shall advertise the 3123
intended purchases by notice that is posted by mail or electronic 3124
means and that is for the benefit of competing persons producing 3125
or dealing in the supplies or services to be purchased, including, 3126
but not limited to, the persons whose names appear on the 3127
appropriate list provided for in section 125.08 of the Revised 3128
Code. The notice may be in the form of the bid or proposal 3129
document or of a listing in a periodic bulletin, or in any other 3130
form the ~~director of administrative services~~ purchasing authority 3131
considers appropriate to sufficiently notify qualified competing 3132
persons of the intended purchases. 3133

(B) The notice required under division (A) of this section 3134
shall include the time and place where bids or proposals will be 3135
accepted and opened, or, when bids are made in a reverse auction, 3136
the time when bids will be accepted; the conditions under which 3137
bids or proposals will be received; the terms of the proposed 3138
purchases; and an itemized list of the supplies or services to be 3139
purchased and the estimated quantities or amounts of them. 3140

(C) The posting of the notice required under division (A) of 3141
this section shall be completed by the number of days the ~~director~~ 3142
purchasing authority determines preceding the day when the bids or 3143
proposals will be opened or accepted. 3144

(D) The ~~department~~ purchasing authority also shall maintain, 3145
in a public place in its office, a bulletin board upon which it 3146
shall post and maintain a copy of the notice required under 3147
division (A) of this section for at least the number of days the 3148
~~director~~ purchasing authority determines under division (C) of 3149
this section preceding the day of the opening or acceptance of the 3150
bids or proposals. The failure to so additionally post the notice 3151
shall invalidate all proceedings had and any contract entered into 3152
pursuant to the proceedings. 3153

Sec. 125.071. (A) In accordance with rules the ~~director of~~ 3154
~~administrative services~~ purchasing authority shall adopt, the 3155
~~director~~ purchasing authority may make purchases by competitive 3156
sealed proposal whenever the ~~director~~ purchasing authority 3157
determines that the use of competitive sealed bidding is not 3158
possible or not advantageous to the state. 3159

(B) Proposals shall be solicited through a request for 3160
proposals. The request for proposals shall state the relative 3161
importance of price and other evaluation factors. Notice of the 3162
request for proposals shall be given in accordance with rules the 3163
director shall adopt. 3164

(C) Proposals shall be opened so as to avoid disclosure of 3165
contents to competing offerors. 3166

In order to ensure fair and impartial evaluation, proposals 3167
and related documents submitted in response to a request for 3168
proposals are not available for public inspection and copying 3169
under section 149.43 of the Revised Code until after the award of 3170
the contract. 3171

(D) As provided in the request for proposals, and under rules 3172
the ~~director~~ purchasing authority shall adopt, discussions may be 3173
conducted with responsible offerors who submit proposals 3174
determined to be reasonably susceptible of being selected for 3175

award for the purpose of ensuring full understanding of, and 3176
responsiveness to, solicitation requirements. Offerors shall be 3177
accorded fair and equal treatment with respect to any opportunity 3178
for discussion regarding any clarification, correction, or 3179
revision of proposals. No disclosure of any information derived 3180
from proposals submitted by competing offerors shall occur when 3181
discussions are conducted. 3182

(E) Award may be made to the offeror whose proposal is 3183
determined to be the most advantageous to this state, taking into 3184
consideration factors such as price and the evaluation criteria 3185
set forth in the request for proposals. The contract file shall 3186
contain the basis on which the award is made. 3187

Sec. 125.072. (A) As used in this section, "reverse auction" 3188
means a purchasing process in which offerors submit bids in 3189
competing to sell services or supplies in an open environment via 3190
the internet. 3191

(B) Whenever ~~the director of administrative services a~~ 3192
purchasing authority determines that the use of a reverse auction 3193
is advantageous to the state, the ~~director~~ purchasing authority, 3194
in accordance with rules the ~~director~~ purchasing authority shall 3195
adopt, may purchase services or supplies by reverse auction. 3196

(C) The ~~director~~ purchasing authority, by rule, may authorize 3197
a state agency that is authorized to purchase services or supplies 3198
directly to purchase them by reverse auction in the same manner as 3199
this section and the rules adopted under this section authorize 3200
the ~~director~~ purchasing authority to do so. 3201

Sec. 125.073. (A) The ~~department of administrative services~~ 3202
purchasing authorities shall actively promote and accelerate the 3203
use of electronic procurement, including reverse auctions as 3204
defined by section 125.072 of the Revised Code, by implementing 3205

the relevant recommendations concerning electronic procurement 3206
from the "2000 Management Improvement Commission Report to the 3207
Governor" when exercising its statutory powers. 3208

(B) Beginning July 1, 2004, the department of administrative 3209
services shall annually on or before the first day of July report 3210
to the committees in each house of the general assembly dealing 3211
with finance indicating the effectiveness of electronic 3212
procurement. Beginning July 1, 2008, the office of information 3213
technology shall annually on or before the last day of December, 3214
report to the committees in each house of the general assembly 3215
dealing with finance indicating the effectiveness during the prior 3216
fiscal year of electronic procurement of information technology 3217
supplies and services. 3218

Sec. 125.08. (A) The department of administrative services 3219
may divide the state into purchasing districts wherein supplies or 3220
services are to be delivered and shall describe those districts on 3221
all applications for the notification list provided for in this 3222
section. 3223

Any person may have that person's name and address, or the 3224
name and address of an agent, placed on the competitive selection 3225
notification list of the department of administrative services by 3226
sending to the department the person's name and address, together 3227
with a list of the supplies or services described in the manner 3228
prescribed by the department produced or dealt in by the person 3229
with a request for such listing, a list of the districts in which 3230
the person desires to participate, and all other information the 3231
director of administrative services may prescribe. The director of 3232
administrative services shall provide the lists to the office of 3233
information technology. Whenever any name and address together 3234
with a list of the supplies or services produced or dealt in is so 3235
listed, the ~~department~~ purchasing authorities shall post notice, 3236

as provided in division (A) of section 125.07 of the Revised Code, 3237
for the benefit of the persons listed on the notification list 3238
that are qualified Ohio business enterprises, which shall include 3239
Ohio penal industries as defined by rule of the director of 3240
administrative services, or have a significant Ohio presence in 3241
this state's economy, except that, in those circumstances in which 3242
the ~~director~~ purchasing authority considers it in the best 3243
interest of this state, the ~~director~~ purchasing authority shall 3244
post notice, as provided in division (A) of section 125.07 of the 3245
Revised Code, for the benefit of all persons listed on the 3246
notification list. The ~~department~~ purchasing authority need only 3247
provide competitive selection documents for a proposed contract to 3248
persons who specifically request the documents. 3249

The director may remove a person from the notification list 3250
and place the person on an inactive list if the person fails to 3251
respond to any notices of proposed purchases that appear in four 3252
consecutive bulletins or other forms of notification that list 3253
those notices. Upon written request to the director by the person 3254
so removed, the director may return the person to the notification 3255
list if the person provides sufficient evidence regarding intent 3256
to offer bids or proposals to the state. The director shall not 3257
remove any person from the list without notice to the person. The 3258
notice may be a part of the notices of proposed purchase. 3259

(B) Any person who is certified by the equal employment 3260
opportunity coordinator of the department of administrative 3261
services in accordance with the rules adopted under division 3262
(B)(1) of section 123.151 of the Revised Code as a minority 3263
business enterprise may have that person's name placed on a 3264
special minority business enterprise notification list to be used 3265
in connection with contracts awarded under section 125.081 of the 3266
Revised Code. The minority business enterprise notification list 3267
shall be used for bidding on contracts set aside for minority 3268

business enterprises only. In all other respects, the list shall 3269
be maintained and used in the same manner and according to the 3270
same procedures as the notification list provided for under 3271
division (A) of this section, except that a firm shall not be 3272
removed from the list unless the coordinator determines that the 3273
firm is no longer a minority business enterprise. A minority 3274
business enterprise may have its name placed on both the 3275
notification lists provided for in this section. 3276

(C) The director of administrative services may require an 3277
annual registration fee for the listings provided for in division 3278
(A) or (B) of this section. This fee shall not be more than ten 3279
dollars. The department may charge a fee for any compilation of 3280
descriptions of supplies or services. This fee shall be reasonable 3281
and shall not exceed the cost required to maintain the 3282
notification lists and provide for the distribution of the 3283
proposed purchase to the persons whose names appear on the lists. 3284

Sec. 125.081. (A) From the purchases that the ~~department of~~ 3285
~~administrative services is~~ purchasing authorities are required by 3286
law to make through competitive selection, ~~the director of~~ 3287
~~administrative services~~ each purchasing authority shall select a 3288
number of such purchases, the aggregate value of which equals 3289
approximately fifteen per cent of the estimated total value of all 3290
such purchases to be made in the current fiscal year. The ~~director~~ 3291
purchasing authority shall set aside the purchases selected for 3292
competition only by minority business enterprises, as defined in 3293
division (E)(1) of section 122.71 of the Revised Code. The 3294
competitive selection procedures for such purchases set aside 3295
shall be the same as for all other purchases the ~~department~~ 3296
purchasing authority is required to make through competitive 3297
selection, except that only minority business enterprises 3298
certified by the equal employment opportunity coordinator of the 3299
department of administrative services in accordance with the rules 3300

adopted under division (B)(1) of section 123.151 of the Revised Code and listed by the director under division (B) of section 125.08 of the Revised Code shall be qualified to compete.

(B) To the extent that any agency of the state, other than the department of administrative services, the office of information technology, the legislative and judicial branches, boards of elections, and the adjutant general, is authorized to make purchases, the agency shall set aside a number of purchases, the aggregate value of which equals approximately fifteen per cent of the aggregate value of such purchases for the current fiscal year for competition by minority business enterprises only. The procedures for such purchases shall be the same as for all other such purchases made by the agency, except that only minority business enterprises certified by the equal employment opportunity coordinator in accordance with rules adopted under division (B)(1) of section 123.151 of the Revised Code shall be qualified to compete.

(C) In the case of purchases set aside under division (A) or (B) of this section, if no bid is submitted by a minority business enterprise, the purchase shall be made according to usual procedures. The contracting agency shall from time to time set aside such additional purchases for which only minority business enterprises may compete, as are necessary to replace those purchases previously set aside for which no minority business enterprises bid and to ensure that, in any fiscal year, the aggregate amount of contracts awarded to minority business enterprises will equal approximately fifteen per cent of the total amount of contracts awarded by the agency.

(D) The provisions of this section shall not preclude any minority business enterprise from competing for any other state purchases that are not specifically set aside for minority business enterprises.

(E) No funds of any state agency shall be expended in any 3333
fiscal year for any purchase for which competitive selection is 3334
required, until the ~~director of the department of administrative~~ 3335
~~services certifies~~ purchasing authorities certify to the equal 3336
employment opportunity coordinator, the clerk of the senate, and 3337
the clerk of the house of representatives of the general assembly 3338
that approximately fifteen per cent of the aggregate amount of the 3339
projected expenditure for such purchases in the fiscal year has 3340
been set aside as provided for in this section. 3341

(F) Any person who intentionally misrepresents self as 3342
owning, controlling, operating, or participating in a minority 3343
business enterprise for the purpose of obtaining contracts, 3344
subcontracts, or any other benefits under this section shall be 3345
guilty of theft by deception as provided for in section 2913.02 of 3346
the Revised Code. 3347

Sec. 125.082. (A) When purchasing equipment, materials, or 3348
supplies, the general assembly; the offices of all elected state 3349
officers; all departments, boards, offices, commissions, agencies, 3350
institutions, including, without limitation, state-supported 3351
institutions of higher education, and other instrumentalities of 3352
this state; the supreme court; all courts of appeals; and all 3353
courts of common pleas, may purchase recycled products in 3354
accordance with the guidelines adopted under division (B) of this 3355
section if the products are available and meet the performance 3356
specifications of the procuring entities. Purchases of recycled 3357
products shall comply with any rules adopted under division (C) of 3358
this section. 3359

(B) The ~~director of administrative services~~ purchasing 3360
authorities shall adopt rules in accordance with Chapter 119. of 3361
the Revised Code establishing guidelines for the procurement of 3362
recycled products pursuant to division (A) of this section. To the 3363

extent practicable, the guidelines shall do all of the following: 3364

(1) Be consistent with and substantially equivalent to any 3365
relevant regulations adopted by the administrator of the United 3366
States environmental protection agency pursuant to the "Resource 3367
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 3368
6921, as amended; 3369

(2) Establish the minimum percentage of recycled materials 3370
the various products shall contain in order to be considered 3371
"recycled" for the purposes of division (A) of this section; 3372

(3) So far as practicable and economically feasible, 3373
incorporate specifications for recycled-content materials to 3374
promote the use and purchase of recycled products by state 3375
agencies. 3376

(C) The ~~director~~ purchasing authorities may adopt rules in 3377
accordance with Chapter 119. of the Revised Code establishing a 3378
maximum percentage by which the cost of recycled products 3379
purchased under division (A) of this section may exceed the cost 3380
of comparable products made of virgin materials. 3381

(D) The department of administrative services, the office of 3382
information technology, and the department of natural resources 3383
annually shall prepare and submit to the governor, president of 3384
the senate, and speaker of the house of representatives a report 3385
that describes, so far as practicable, the value and types of 3386
recycled products that are purchased with moneys disbursed from 3387
the state treasury by the general assembly; the offices of all 3388
elected state officers; and all departments, boards, offices, 3389
commissions, agencies, and institutions of this state. 3390

Sec. 125.09. (A) Pursuant to section 125.07 of the Revised 3391
Code, ~~the department of administrative services~~ a purchasing 3392
authority may prescribe such conditions under which competitive 3393

sealed bids will be received and terms of the proposed purchase as 3394
it considers necessary; provided, that all such conditions and 3395
terms shall be reasonable and shall not unreasonably restrict 3396
competition, and bidders may bid upon all or any item of the 3397
supplies or services listed in such notice. Those bidders claiming 3398
the preference for United States and Ohio products outlined in 3399
this chapter shall designate in their bids either that the product 3400
to be supplied is an Ohio product or that under the rules 3401
established by the ~~director of administrative services~~ purchasing 3402
authority they qualify as having a significant Ohio economic 3403
presence. 3404

(B) The ~~department~~ purchasing authority may require that each 3405
bidder provide sufficient information about the energy efficiency 3406
or energy usage of the bidder's product or service. 3407

(C) The ~~director of administrative services~~ purchasing 3408
authority shall, by rule adopted pursuant to Chapter 119. of the 3409
Revised Code, prescribe criteria and procedures for use by all 3410
state agencies in giving preference to United States and Ohio 3411
products as required by division (B) of section 125.11 of the 3412
Revised Code. The rules shall extend to: 3413

(1) Criteria for determining that a product is produced or 3414
mined in the United States rather than in another country or 3415
territory; 3416

(2) Criteria for determining that a product is produced or 3417
mined in Ohio; 3418

(3) Information to be submitted by bidders as to the nature 3419
of a product and the location where it is produced or mined; 3420

(4) Criteria and procedures to be used by the ~~director~~ 3421
purchasing authorities to qualify bidders located in states 3422
bordering Ohio who might otherwise be excluded from being awarded 3423
a contract by operation of this section and section 125.11 of the 3424

Revised Code. The criteria and procedures shall recognize the 3425
level and regularity of interstate commerce between Ohio and the 3426
border states and provide that the non-Ohio businesses may qualify 3427
for award of a contract as long as they are located in a state 3428
that imposes no greater restrictions than are contained in this 3429
section and section 125.11 of the Revised Code upon persons 3430
located in Ohio selling products or services to agencies of that 3431
state. The criteria and procedures shall also provide that a 3432
non-Ohio business shall not bid on a contract for state printing 3433
in this state if the business is located in a state that excludes 3434
Ohio businesses from bidding on state printing contracts in that 3435
state. 3436

(5) Criteria and procedures to be used to qualify bidders 3437
whose manufactured products, except for mined products, are 3438
produced in other states or in North America, but the bidders have 3439
a significant Ohio economic presence in terms of the number of 3440
employees or capital investment a bidder has in this state. 3441
Bidders with a significant Ohio economic presence shall qualify 3442
for award of a contract on the same basis as if their products 3443
were produced in this state. 3444

(6) Criteria and procedures for the ~~director~~ purchasing 3445
authority to grant waivers of the requirements of division (B) of 3446
section 125.11 of the Revised Code on a contract-by-contract basis 3447
where compliance with those requirements would result in the state 3448
agency paying an excessive price for the product or acquiring a 3449
disproportionately inferior product; 3450

(7) Such other requirements or procedures reasonably 3451
necessary to implement the system of preferences established 3452
pursuant to division (B) of section 125.11 of the Revised Code. 3453

In adopting the rules required under this division, the 3454
~~director~~ purchasing authority shall, to the maximum extent 3455
possible, conform to the requirements of the federal "Buy America 3456

Act," 47 Stat. 1520, (1933), 41 U.S.C.A. 10a-10d, as amended, and 3457
to the regulations adopted thereunder. 3458

Sec. 125.10. (A) ~~The department of administrative services~~ A 3459
purchasing authority may require that all competitive sealed bids, 3460
competitive sealed proposals, and bids received in a reverse 3461
auction be accompanied by a performance bond or other cash surety 3462
acceptable to the ~~director of administrative services~~ purchasing 3463
authority, in the sum and with the sureties it prescribes, payable 3464
to the state, and conditioned that the person submitting the bid 3465
or proposal, if that person's bid or proposal is accepted, will 3466
faithfully execute the terms of the contract and promptly make 3467
deliveries of the supplies purchased. 3468

(B) A sealed copy of each competitive sealed bid or 3469
competitive sealed proposal shall be filed with the ~~department~~ 3470
purchasing authority prior to the time specified in the notice for 3471
opening of the bids or proposals. All competitive sealed bids and 3472
competitive sealed proposals shall be publicly opened in the 3473
office of the ~~department~~ purchasing authority at the time 3474
specified in the notice. A representative of the auditor of state 3475
shall be present at the opening of all competitive sealed bids and 3476
competitive sealed proposals, and shall certify the opening of 3477
each competitive sealed bid and competitive sealed proposal. No 3478
competitive sealed bid or competitive sealed proposal shall be 3479
considered valid unless it is so certified. 3480

Sec. 125.11. (A) Subject to division (B) of this section, 3481
contracts awarded pursuant to a reverse auction under section 3482
125.072 of the Revised Code or pursuant to competitive sealed 3483
bidding, including contracts awarded under section 125.081 of the 3484
Revised Code, shall be awarded to the lowest responsive and 3485
responsible bidder on each item in accordance with section 9.312 3486
of the Revised Code. When the contract is for meat products as 3487

defined in section 918.01 of the Revised Code or poultry products 3488
as defined in section 918.21 of the Revised Code, only those bids 3489
received from vendors offering products from establishments on the 3490
current list of meat and poultry vendors established and 3491
maintained by the director of administrative services under 3492
section 125.17 of the Revised Code shall be eligible for 3493
acceptance. The ~~department of administrative services~~ purchasing 3494
authority may accept or reject any or all bids in whole or by 3495
items, except that when the contract is for services or products 3496
available from a qualified nonprofit agency pursuant to sections 3497
125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code, the 3498
contract shall be awarded to that agency. 3499

(B) Prior to awarding a contract under division (A) of this 3500
section, the ~~department of administrative services~~ purchasing 3501
authority or the state agency responsible for evaluating a 3502
contract for the purchase of products shall evaluate the bids 3503
received according to the criteria and procedures established 3504
pursuant to divisions (C)(1) and (2) of section 125.09 of the 3505
Revised Code for determining if a product is produced or mined in 3506
the United States and if a product is produced or mined in this 3507
state. The ~~department~~ purchasing authority or other state agency 3508
shall first remove bids that offer products that have not been or 3509
that will not be produced or mined in the United States. From 3510
among the remaining bids, the ~~department~~ purchasing authority or 3511
other state agency shall select the lowest responsive and 3512
responsible bid, in accordance with section 9.312 of the Revised 3513
Code, from among the bids that offer products that have been 3514
produced or mined in this state where sufficient competition can 3515
be generated within this state to ensure that compliance with 3516
these requirements will not result in an excessive price for the 3517
product or acquiring a disproportionately inferior product. If 3518
there are two or more qualified bids that offer products that have 3519
been produced or mined in this state, it shall be deemed that 3520

there is sufficient competition to prevent an excessive price for 3521
the product or the acquiring of a disproportionately inferior 3522
product. 3523

(C) Division (B) of this section applies to contracts for 3524
which competitive bidding is waived by the controlling board. 3525

(D) Division (B) of this section does not apply to the 3526
purchase by the division of liquor control of spirituous liquor. 3527

(E) The director of administrative services shall publish in 3528
the form of a model act for use by counties, townships, municipal 3529
corporations, or any other political subdivision described in 3530
division (B) of section 125.04 of the Revised Code, a system of 3531
preferences for products mined and produced in this state and in 3532
the United States and for Ohio-based contractors. The model act 3533
shall reflect substantial equivalence to the system of preferences 3534
in purchasing and public improvement contracting procedures under 3535
which the state operates pursuant to this chapter and section 3536
153.012 of the Revised Code. To the maximum extent possible, 3537
consistent with the Ohio system of preferences in purchasing and 3538
public improvement contracting procedures, the model act shall 3539
incorporate all of the requirements of the federal "Buy America 3540
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 3541
the rules adopted under that act. 3542

Before and during the development and promulgation of the 3543
model act, the director shall consult with appropriate statewide 3544
organizations representing counties, townships, and municipal 3545
corporations so as to identify the special requirements and 3546
concerns these political subdivisions have in their purchasing and 3547
public improvement contracting procedures. The director shall 3548
promulgate the model act by rule adopted pursuant to Chapter 119. 3549
of the Revised Code and shall revise the act as necessary to 3550
reflect changes in this chapter or section 153.012 of the Revised 3551
Code. 3552

The director shall make available copies of the model act, 3553
supporting information, and technical assistance to any township, 3554
county, or municipal corporation wishing to incorporate the 3555
provisions of the act into its purchasing or public improvement 3556
contracting procedure. 3557

Sec. 125.15. All state agencies required to secure any 3558
equipment, materials, supplies, or services from ~~the department of~~ 3559
~~administrative services~~ a purchasing authority shall make 3560
acquisition in the manner and upon forms prescribed by ~~the~~ 3561
~~director of administrative services~~ that purchasing authority and 3562
shall reimburse the ~~department~~ purchasing authority for the 3563
equipment, materials, supplies, or services, including a 3564
reasonable sum to cover ~~the department's~~ administrative costs and 3565
costs relating to energy efficiency and conservation programs, 3566
whenever reimbursement is required by the ~~department~~ purchasing 3567
authority. The money so paid shall be deposited in the state 3568
treasury to the credit of the general services fund for use by the 3569
department of administrative services or the information 3570
technology fund for use by the office of information technology, 3571
as appropriate. Those funds are hereby created. 3572

Sec. 125.25. (A) ~~The director of administrative services~~ A 3573
purchasing authority may debar a vendor from consideration for 3574
contract awards upon a finding based upon a reasonable belief that 3575
the vendor has done any of the following: 3576

(1) Abused the selection process by repeatedly withdrawing 3577
bids or proposals before purchase orders or contracts are issued 3578
or failing to accept orders based upon firm bids; 3579

(2) Failed to substantially perform a contract according to 3580
its terms, conditions, and specifications within specified time 3581
limits; 3582

(3) Failed to cooperate in monitoring contract performance by refusing to provide information or documents required in a contract, failed to respond to complaints to the vendor, or accumulated repeated justified complaints regarding performance of a contract;	3583 3584 3585 3586 3587
(4) Attempted to influence a public employee to breach ethical conduct standards or to influence a contract award;	3588 3589
(5) Colluded to restrain competition by any means;	3590
(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the vendor's business integrity;	3591 3592 3593 3594 3595 3596
(7) Been convicted under state or federal antitrust laws;	3597
(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;	3598 3599 3600
(9) Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director <u>a purchasing authority</u> ;	3601 3602 3603
(10) Through the default of a contract or through other means had a determination of unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code;	3604 3605 3606
(11) Acted in such a manner as to be debarred from participating in a contract with any governmental agency.	3607 3608
(B) When the director <u>a purchasing authority</u> reasonably believes that grounds for debarment exist, the director <u>purchasing authority</u> shall send the vendor a notice of proposed debarment indicating the grounds for the proposed debarment and the	3609 3610 3611 3612

procedure for requesting a hearing on the proposed debarment. The 3613
hearing shall be conducted in accordance with Chapter 119. of the 3614
Revised Code. If the vendor does not respond with a request for a 3615
hearing in the manner specified in Chapter 119. of the Revised 3616
Code, the ~~director~~ purchasing authority shall issue the debarment 3617
decision without a hearing and shall notify the vendor of the 3618
decision by certified mail, return receipt requested. 3619

(C) The ~~director~~ purchasing authority shall determine the 3620
length of the debarment period and may rescind the debarment at 3621
any time upon notification to the vendor. During the period of 3622
debarment, the vendor is not eligible to participate in any state 3623
contract. After the debarment period expires, the vendor shall be 3624
eligible to be awarded contracts by state agencies. 3625

(D) The ~~director, through the~~ office of information 3626
technology and the ~~office of procurement~~ department of 3627
administrative services, shall maintain a list of all vendors 3628
currently debarred under this section. 3629

Sec. 125.45. The department of administrative services shall 3630
maintain facilities to perform office reproduction services for 3631
all boards, commissions, or departments except for the bureau of 3632
workers' compensation. Upon written application to the department 3633
of administrative services, permission may be granted to a board, 3634
commission, or department to perform such services outside the 3635
central facility and such permission shall state the extent of the 3636
services which the department, board, or commission shall perform. 3637

Office reproduction services using stencils, masters, or 3638
plates are restricted to duplicating equipment not larger than 3639
seventeen by twenty-two inches. Not to exceed five thousand press 3640
impressions shall be produced of any such order except that up to 3641
one thousand production copies may be produced of any item 3642
consisting of multiple pages and except that over five thousand, 3643

but not more than ten thousand, press impressions may be produced 3644
if the director of administrative services determines that there 3645
is an emergency due to the timing of service delivery or another 3646
factor that may cause financial hardship to the state. 3647

Nothing in this section precludes the bureau from entering 3648
into a contract with the department of administrative services for 3649
the department to perform office reproduction services for the 3650
bureau. 3651

~~Neither the department nor any other~~ No state agency, other 3652
than the department of administrative services, shall perform 3653
printing or office reproduction services for political 3654
subdivisions. 3655

Sec. 125.93. The state forms management program shall do each 3656
of the following: 3657

(A) Assist state agencies in establishing internal forms 3658
management capabilities; 3659

~~(B) Study, develop, coordinate, and initiate forms of~~ 3660
~~interagency and common administrative usage, and establish basic~~ 3661
~~design and specification criteria to standardize state forms;~~ 3662

~~(C)~~ Assist state agencies to design economical forms; 3663

~~(D)~~ (C) Assist, train, and instruct state agencies and their 3664
forms management representatives in forms management techniques, 3665
and provide direct forms management assistance to new state 3666
agencies as they are created; 3667

~~(E) Maintain a central forms repository of all state forms to~~ 3668
~~facilitate standardization of the forms, eliminate redundant~~ 3669
~~forms, and provide a central source of information on forms usage~~ 3670
~~and availability.~~ 3671

Sec. 125.96. The director of administrative services may 3672

adopt, amend, or rescind rules necessary to carry out the powers 3673
and duties imposed upon the state forms management program and 3674
state agencies by sections 125.92 to 125.98 of the Revised Code. 3675
~~The director shall adopt, and may amend or rescind, rules 3676~~
~~providing each of the following: 3677~~

~~(A) After a date to be determined by the state forms 3678~~
~~management program, no state agency shall utilize any form, other 3679~~
~~than a form subject to division (B) of section 125.95 of the 3680~~
~~Revised Code, the management of which has not been delegated to 3681~~
~~the agency by the program under division (A) of that section or 3682~~
~~been approved by the program. 3683~~

~~(B) The notice required by section 125.97 of the Revised Code 3684~~
~~shall appear in a standard place and a standard manner on each 3685~~
~~form to which the notice applies, and shall include specified 3686~~
~~indicia of approval by the state forms management program. 3687~~

~~(C) Any form required by a state agency on an emergency basis 3688~~
~~may be given interim approval by the state forms management 3689~~
~~program if the form is accompanied by a letter from the director 3690~~
~~or other head of the agency setting forth the nature of the 3691~~
~~emergency and requesting interim approval. 3692~~

Sec. 125.97. All forms, ~~other than those forms subject to 3693~~
~~division (B) of section 125.95 of the Revised Code, used to obtain 3694~~
information from private business, agriculture, or local 3695
governments, except those forms used by the tax commissioner for 3696
administration of taxes and programs, shall contain a conspicuous 3697
notice on the first page setting forth the authorization for the 3698
form and stating whether providing the information sought is 3699
required or voluntary, and any penalties that apply to failure to 3700
provide the information. 3701

Sec. 125.98. (A) Each state agency shall appoint a forms 3702

management representative, who may be from existing personnel. The 3703
appointee shall cooperate with, and provide other necessary 3704
assistance to, the director of administrative services and the 3705
state forms management program in implementing the program. A 3706
forms management representative shall do all of the following: 3707

(1) Manage the agency's forms management program and 3708
cooperate with and provide other necessary assistance to the 3709
director of administrative services in implementing the state 3710
forms management program; 3711

(2) Monitor the use and reproduction of all forms to ensure 3712
that all policies, procedures, guidelines, and standards 3713
established by the agency and the director of administrative 3714
services are followed; 3715

~~(3) Ensure that every form used by the agency is presented to 3716
the state forms management program for registration prior to its 3717
reproduction; 3718~~

~~(4) Maintain a master forms file history file, in numeric 3719
order, of all agency forms; 3720~~

~~(5) Verify and update the all historical information on all 3721
forms in the agency's central forms repository database. 3722~~

(B) Any state agency, as defined in section 1.60 of the 3723
Revised Code, not included within the definition of a state agency 3724
in section 125.91 of the Revised Code may elect to participate in 3725
the state forms management program. The program may provide to any 3726
such agency any service required or authorized by sections 125.92 3727
to 125.98 of the Revised Code to be performed for a state agency. 3728

Sec. 126.04. Funds appropriated for purposes of fulfilling 3729
the state's obligations under the consent order filed March 5, 3730
2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United 3731
States district court for the southern district of Ohio, eastern 3732

division, shall be in an appropriation item that authorizes 3733
expenditures only for purposes of fulfilling the state's 3734
obligations under the consent order. 3735

Sec. 126.07. ~~No~~ Except as provided in division (B) of section 3736
126.21 of the Revised Code, no contract, agreement, or obligation 3737
involving the expenditure of money chargeable to an appropriation, 3738
nor any resolution or order for the expenditure of money 3739
chargeable to an appropriation, shall be valid and enforceable 3740
unless the director of budget and management first certifies that 3741
there is a balance in the appropriation not already obligated to 3742
pay existing obligations, in an amount at least equal to the 3743
portion of the contract, agreement, obligation, resolution, or 3744
order to be performed in the current fiscal year. Any written 3745
contract or agreement entered into by the state shall contain a 3746
clause stating that the obligations of the state are subject to 3747
this section. 3748

The chief administrative officer of a state agency is 3749
responsible for the preaudit and approval of expenditures and 3750
other transactions of the agency. In order to ~~make~~ initiate the 3751
making of a payment from the state treasury, the person in a state 3752
agency who requests that the payment be made shall first submit to 3753
the ~~director~~ chief administrative officer of the agency all 3754
invoices, claims, vouchers, and other evidentiary matter 3755
documentation related to the payment. If the director approves 3756
payment to be made, the director shall draw a warrant as provided 3757
in section 126.35 of the Revised Code. The chief administrative 3758
officer shall examine each voucher and all other documentation 3759
required to support the voucher and determine whether they meet 3760
all the requirements established by the director of budget and 3761
management for making the payment. If they do meet those 3762
requirements, the chief administrative officer shall certify to 3763
the director the approval of the chief administrative officer for 3764

payment. 3765

Prior to drawing a warrant as provided in section 126.35 of 3766
the Revised Code, the director may review and audit the voucher, 3767
any documentation accompanying the voucher, and any other 3768
documentation related to the transaction that the director may 3769
require to determine if the transaction is in accordance with law. 3770

The director shall not approve payment to be made if the director 3771
finds that there is not an unobligated balance in the 3772
appropriation for the payment, that the payment is not for a valid 3773
claim against the state that is legally due, or that insufficient 3774
~~evidentiary matter~~ documentation has been submitted. If the 3775
director does not approve payment, the director shall notify the 3776
agency of the reasons the director has not given approval. 3777

In approving payments to be made under this section, the 3778
director, upon receipt of certification from the director of job 3779
and family services pursuant to section 4141.231 of the Revised 3780
Code, shall withhold from amounts otherwise payable to a person 3781
who is the subject of the director of jobs and family services' 3782
certification, the amount certified to be due and unpaid to the 3783
director of job and family services, and shall approve for payment 3784
to the director of job and family services, the amount withheld. 3785

As used in this section and in section 126.21 of the Revised 3786
Code, "chief administrative officer" means either of the 3787
following: 3788

(A) The director of the agency or, in the case of a state 3789
agency without a director, the equivalent officer of that agency; 3790

(B) The designee of the chief administrative officer for the 3791
purposes of such sections. 3792

Sec. 126.08. The director of budget and management may 3793
exercise control over the financial transactions of state 3794

agencies, including approving, disapproving, voiding, or 3795
invalidating encumbrances or transactions, except those in the 3796
judicial and legislative branches, by: 3797

(A) Requiring encumbrancing documents or any other financial 3798
information to be submitted to the director, ~~where such submission~~ 3799
~~is prescribed by law or where the director considers such~~ 3800
~~submission necessary~~ to evaluate the legality of a ~~proposed an~~ 3801
expenditure, ~~and by approving or disapproving any encumbrance~~ 3802
~~requested,~~ except that the director shall not disapprove any 3803
encumbrancing document submitted by the attorney general, auditor 3804
of state, secretary of state, or treasurer of state unless there 3805
is an insufficient unobligated balance in the appropriation or the 3806
encumbrance does not meet all other legal requirements. Those 3807
portions of an appropriation that are encumbered are not available 3808
for expenditure for any purpose other than that indicated on the 3809
encumbrancing document. If any requirements of the director 3810
regarding the submission of encumbrancing documents or other 3811
financial information are not complied with, or if any 3812
encumbrancing document is disapproved in whole or in part, the 3813
director shall notify the submitting agency thereof and shall not 3814
authorize payment unless the reasons for disapproval are 3815
corrected. 3816

(B) Requiring the allocation and allotment of any 3817
appropriation by quarter or by any other period of time. 3818

(C) Reporting to the attorney general for such action, civil 3819
or criminal, as the attorney general considers necessary, all 3820
facts showing improper payment of public money or misappropriation 3821
of public property; 3822

(D) By adopting rules for carrying into effect any powers 3823
granted by this chapter. 3824

Sec. 126.16. (A) This section is in implementation of 3825

division (D) of Section 17 of Article VIII, Ohio Constitution, for 3826
purposes of issuing direct obligations of the state subject to 3827
that section. 3828

(B) For purposes of the computation of debt service under 3829
Section 17 of Article VIII, Ohio Constitution, there shall be 3830
included debt service payable on bonds that are direct obligations 3831
of the state issued under Article VIII, Ohio Constitution, and on 3832
those bonds anticipated by bond anticipation notes, to the extent 3833
that debt service on those bonds is anticipated to be paid from 3834
the state general revenue fund or net state lottery proceeds. 3835
Examples of bonds the debt service on which is not anticipated to 3836
be paid from either of those sources are bonds of the state issued 3837
for highway purposes pursuant to Section 2i or 2m of Article VIII, 3838
Ohio Constitution, which, although general obligations of the 3839
state, have been and are anticipated to be paid from highway user 3840
receipts and not from the general revenue fund or net state 3841
lottery proceeds. 3842

(C) If there is no separate constitutional or statutory 3843
provision applicable for the purpose, debt service on bonds 3844
anticipated by bond anticipation notes shall be estimated as 3845
provided in division (C) of this section. That amount, to be 3846
certified either by the issuing authority of the particular notes 3847
or by the governor or the governor's designee pursuant to division 3848
(E) of this section, shall be the estimated amount that would have 3849
been payable on bonds maturing serially in each fiscal year after 3850
the fiscal year of the issuance of the notes over the maximum 3851
period of maturity for the bonds authorized in the particular 3852
governing constitutional or statutory provision, as if those bonds 3853
had been issued without the prior issuance of the notes, and 3854
computed on a substantially level debt service basis applying an 3855
interest rate or rates certified to be market rates at the time of 3856
issuance of the notes. 3857

(D) In the case of bonds issued to refund or retire bonds, 3858
the debt service on the new bonds shall be counted and the debt 3859
service on the bonds being refunded or retired shall not be 3860
counted. 3861

(E) The governor, or the governor's designee for the purpose, 3862
shall determine and certify the fiscal year amounts required to be 3863
applied or set aside for payment of debt service, including debt 3864
service on any variable rate bonds, the securities to which that 3865
debt service relates, the total office of budget and management 3866
estimated revenues of the state for the general revenue fund and 3867
from net state lottery proceeds during the particular fiscal year, 3868
and any other financial data necessary or appropriate for the 3869
purpose of the computations under division (A) of Section 17 of 3870
Article VIII, Ohio Constitution, and this section. Those 3871
determinations and certifications shall be filed with the director 3872
of budget and management, the treasurer of state, and the issuing 3873
authority for the particular obligations, at or prior to the time 3874
those securities are issued. The governor's designee for the 3875
purpose may be the director or assistant director of budget and 3876
management, or any employee or official of the governor's office. 3877

(F) For purposes of this section, "securities," "interest or 3878
interest equivalent," and "outstanding" have the same meanings as 3879
in section 133.01 of the Revised Code, and "debt service" means 3880
principal, including any mandatory sinking fund deposits and 3881
mandatory redemption payments, and interest or interest equivalent 3882
payable on securities, as those payments are stated to come due 3883
and to be payable. 3884

(G)(1) As used in this division, "avoided obligations" means 3885
direct obligations of the state that are not issued because the 3886
capital facilities they would have financed are instead paid for 3887
with the proceeds of obligations issued under division (C) of 3888
section 183.51 of the Revised Code. 3889

(2) For purposes of computing the limitation on issuing 3890
direct obligations of the state under this section and Section 17 3891
of Article VIII, Ohio Constitution, any avoided obligations shall 3892
be considered as having been issued. The fiscal year amounts that 3893
would have been required to be applied or set aside for payment of 3894
debt service over the maximum period of maturity of the avoided 3895
obligations had the avoided obligations been issued shall be 3896
included in the computations. 3897

Sec. ~~125.18~~ 126.17. (A) There is hereby established the 3898
~~office of information technology housed within the department of~~ 3899
~~administrative services. The office shall be under the supervision~~ 3900
position of a chief information officer to state chief information 3901
officer, who shall be appointed by the ~~governor~~ director of budget 3902
and management and subject to removal at the pleasure of the 3903
~~governor director. The chief information officer shall serve as~~ 3904
~~the director of the office. The state chief information officer~~ 3905
shall report to the director of budget and management and shall be 3906
an assistant director of the office of budget and management in 3907
addition to the assistant director created in section 121.05 of 3908
the Revised Code. There is hereby created the office of 3909
information technology in the office of budget and management. The 3910
office of information technology shall be supervised by the state 3911
chief information officer, subject to the authority of the 3912
director of budget and management. The state chief information 3913
officer shall have all authority granted to the office of 3914
information technology, and the exercise of that authority shall 3915
be subject to the approval of the director of budget and 3916
management. 3917

(B) ~~The director of the office of information technology~~ 3918
state chief information officer shall advise annually submit a 3919
report to the governor regarding the statewide superintendence of 3920
information technology and implementation of statewide information 3921

technology policy. 3922

(C) ~~The director of the office of information technology~~ 3923
state chief information officer shall lead, oversee, and direct 3924
state agency activities related to information technology 3925
development and use. In that regard, the ~~director~~ state chief 3926
information officer shall do all of the following: 3927

(1) Coordinate and superintend statewide efforts to promote 3928
common use and development of technology by state agencies. The 3929
office of information technology shall establish policies and 3930
standards that govern and direct state agency participation in 3931
statewide programs and initiatives. 3932

(2) Establish policies and standards for the acquisition and 3933
use of information technology by state agencies, including, but 3934
not limited to, hardware, software, technology services, and 3935
security, with which state agencies shall comply; 3936

(3) Establish criteria and review processes to identify state 3937
agency information technology projects that require alignment or 3938
oversight. As appropriate, the ~~office of information technology~~ 3939
state chief information officer shall provide ~~the governor and the~~ 3940
director of budget and management with notice and advice regarding 3941
the appropriate allocation of resources for those projects. The 3942
~~director of the office of information technology~~ state chief 3943
information officer may ~~require state agencies to provide, and may~~ 3944
prescribe the form and manner by which they state agencies must 3945
provide, and may require state agencies to provide, information to 3946
fulfill the ~~director's~~ state chief information officer's alignment 3947
and oversight role. 3948

(D) The office of information technology ~~shall have~~ has the 3949
~~same authority given to the department of administrative services~~ 3950
~~under~~ for the purchase of information technology supplies and 3951
services for state agencies consistent with sections 125.01, 3952

125.011, 125.02, 125.023, 125.04, 125.05, 125.06, 125.07, 125.071, 3953
125.072, 125.081, 125.09, 125.10, 125.11, 125.15, and 125.25 of 3954
the Revised Code ~~for the purchase of information technology~~ 3955
~~supplies and services for state agencies.~~ 3956

(E) The office of information technology may make contracts 3957
for, operate, and superintend technology supplies and services for 3958
state agencies in accordance with this chapter. 3959

(F) The office of information technology may establish 3960
cooperative agreements with federal and local government agencies 3961
and state agencies that are not under the authority of the 3962
governor for the provision of technology services and the 3963
development of technology projects. 3964

(G) As used in this section, "state agency" ~~means~~ includes 3965
every organized body, office, or agency established by the laws of 3966
the state for the exercise of any function of state government, 3967
other than any state-supported institution of higher education, 3968
the office of the auditor of state, treasurer of state, secretary 3969
of state, or attorney general, the public employees retirement 3970
system, the Ohio police and fire pension fund, the state teachers 3971
retirement system, the school employees retirement system, the 3972
state highway patrol retirement system, the general assembly or 3973
any legislative agency, or the courts or any judicial agency. 3974

(H) There is hereby created in the state treasury the IT 3975
governance fund for the purpose of carrying out the office of 3976
information technology's responsibilities described in this 3977
section. The fund shall consist of revenues generated from payroll 3978
charges, billed services, administrative assessments, and other 3979
revenues designated to support the responsibilities described in 3980
this section. 3981

Sec. ~~125.30~~ 126.18. (A) The ~~department of administrative~~ 3982
~~services office of information technology~~ shall do both of the 3983

following: 3984

(1) Create a business reply form that is capable of 3985
containing information that a private business is required to 3986
provide to state agencies on a regular basis. The ~~director of~~ 3987
~~administrative services~~ office of information technology shall 3988
adopt rules in accordance with Chapter 119. of the Revised Code 3989
specifying the information that the form shall contain. ~~Subject to~~ 3990
~~division (E) of this section, state~~ State agencies shall use the 3991
business reply form to obtain information from private businesses. 3992

(2) ~~Create an on-line computer network system to allow~~ 3993
~~private businesses to electronically file the business reply form~~ 3994
Maintain the Ohio business gateway, as defined in section 718.051 3995
of the Revised Code. 3996

In creating the business reply form described in division 3997
(A)(1) of this section, the ~~director~~ office of information 3998
technology may consider the recommendations of interested parties 3999
from the small business community who have direct knowledge of and 4000
familiarity with the current state reporting requirements that 4001
apply to, and the associated forms that are filed by, small 4002
businesses. 4003

(B) The ~~director~~ office of information technology shall 4004
establish procedures by which state agencies may share the 4005
information that is collected through the form established under 4006
division (A) of this section. These procedures shall provide that 4007
information that has been designated as confidential by any state 4008
agency shall not be made available to the other state agencies 4009
having access to the business reply form. 4010

(C) ~~Not later than September 30, 1999, the director~~ The 4011
office of information technology may report to the director of 4012
budget and management and to the committees ~~that handle~~ having 4013
jurisdiction over finance and ~~the committees that handle~~ state 4014

government affairs in the house of representatives and the senate 4015
on the progress of state agencies in complying with division 4016
(A)(1) of this section. The ~~director~~ office of information 4017
technology may recommend a five per cent reduction in the future 4018
appropriations of any state agency that has failed to comply with 4019
that division without good cause. 4020

(D) As used in this section: 4021

(1) "State agency" ~~means the secretary of state, the~~ 4022
~~department of job and family services regarding duties it performs~~ 4023
~~pursuant to Title XLI of the Revised Code, the bureau of workers'~~ 4024
~~compensation, the department of administrative services, and any~~ 4025
~~other state agency that elects to participate in the pilot program~~ 4026
~~as provided in division (E) of this section~~ has the same meaning 4027
as defined in section 126.17 of the Revised Code. 4028

(2) "Form" has the same meaning as ~~in division (B) of~~ defined 4029
in section 125.91 of the Revised Code. 4030

~~(E) The provisions of this section pertaining to the business~~ 4031
~~reply form constitute a two year pilot program. Not later than one~~ 4032
~~year after January 21, 1998, the department of administrative~~ 4033
~~services shall complete the planning and preparation that is~~ 4034
~~necessary to implement the pilot program. The director of~~ 4035
~~administrative services may request other state agencies, as~~ 4036
~~defined in division (A) of section 125.91 of the Revised Code, to~~ 4037
~~participate in the pilot program. If the director so requests, the~~ 4038
~~state agency may participate in the program. The provisions of~~ 4039
~~this section shall cease to have effect three years after January~~ 4040
~~21, 1998. Within ninety days after the completion of the pilot~~ 4041
~~program, the director of administrative services shall report to~~ 4042
~~the director of budget and management and the committees described~~ 4043
~~in division (C) of this section on the effectiveness of the pilot~~ 4044
~~program.~~ 4045

Sec. 126.19. (A) There is established the multi-agency radio communications system (MARCS). The system shall be a computer and communications network to provide voice and data communications statewide maintained by the office of information technology. MARCS shall supply a communications backbone for statewide public safety uses in a single system shared by several state agencies. The system shall provide mobile voice, data, vehicle location services, and computer-aided dispatching. The office of information technology shall promote MARCS as a statewide interoperable communications system for public safety agencies at all levels of government. Subject to the approval of the MARCS steering committee, the office of information technology may make MARCS available to agencies for uses not related to public safety.

(B) There is hereby established a MARCS steering committee consisting of the designees of the state chief information officer; the directors of public safety, health, natural resources, transportation, rehabilitation and correction, and youth services; and a designee not from a state agency who shall be appointed by the state chief information officer. The state chief information officer or the officer's designee shall chair the committee. The committee shall provide assistance to the office of information technology for effective and efficient implementation of the MARCS system as well as develop policies for the ongoing management of the system. Upon dates prescribed by the state chief information officer, the MARCS steering committee shall report to the state chief information officer on the progress of MARCS implementation and the development of policies related to the system. The MARCS steering committee may permit secondary uses of MARCS not related to public safety so long as those secondary uses do not interfere with the system's primary use for public safety.

Sec. 126.21. (A) The director of budget and management shall	4077
do all of the following:	4078
(1) Keep all necessary accounting records;	4079
(2) Prescribe and maintain the accounting system of the state	4080
and establish appropriate accounting procedures and charts of	4081
accounts;	4082
(3) Establish procedures for the use of written, electronic,	4083
optical, or other communications media for approving <u>and reviewing</u>	4084
payment vouchers;	4085
(4) Reconcile, in the case of any variation between the	4086
amount of any appropriation and the aggregate amount of items of	4087
the appropriation, with the advice and assistance of the state	4088
agency affected by it and the legislative service commission,	4089
totals so as to correspond in the aggregate with the total	4090
appropriation. In the case of a conflict between the item and the	4091
total of which it is a part, the item shall be considered the	4092
intended appropriation.	4093
(5) Evaluate on an ongoing basis and, if necessary, recommend	4094
improvements to the internal controls used in state agencies;	4095
(6) Authorize the establishment of petty cash accounts. The	4096
director of budget and management may withdraw approval for any	4097
petty cash account and require the officer in charge to return to	4098
the state treasury any unexpended balance shown by the officer's	4099
accounts to be on hand. Any officer who is issued a warrant for	4100
petty cash shall render a detailed account of the expenditures of	4101
the petty cash and shall report when requested the balance of	4102
petty cash on hand at any time.	4103
(7) Process orders, invoices, vouchers, claims, and payrolls	4104
and prepare financial reports and statements;	4105
(8) Perform extensions, reviews, and compliance checks prior	4106

to or after approving a payment as the director considers 4107
necessary; 4108

(9) Issue the official comprehensive annual financial report 4109
of the state. The report shall cover all funds of the state 4110
reporting entity and shall include basic financial statements and 4111
required supplementary information prepared in accordance with 4112
generally accepted accounting principles and other information as 4113
the director provides. All state agencies, authorities, 4114
institutions, offices, retirement systems, and other component 4115
units of the state reporting entity as determined by the director 4116
shall furnish the director whatever financial statements and other 4117
information the director requests for the report, in the form, at 4118
the times, covering the periods, and with the attestation the 4119
director prescribes. The information for state institutions of 4120
higher education, as defined in section 3345.011 of the Revised 4121
Code, shall be submitted to the ~~director~~ chancellor by the Ohio 4122
board of regents. The board shall establish a due date by which 4123
each such institution shall submit the information to the board, 4124
but no such date shall be later than one hundred twenty days after 4125
the end of the state fiscal year unless a later date is approved 4126
by the director. 4127

(B) In addition to the director's duties under division (A) 4128
of this section, the director ~~of budget and management~~ may 4129
establish and administer one or more state payment card programs 4130
that permit or require state agencies to use a payment card to 4131
purchase equipment, materials, supplies, or services in accordance 4132
with guidelines issued by the director. The chief administrative 4133
officer of a state agency that uses a payment card for such 4134
purposes shall ensure that purchases made with the card are made 4135
in accordance with the guidelines issued by the director and do 4136
not exceed the unexpended, unencumbered, unobligated balance in 4137
the appropriation to be charged for the purchase. State agencies 4138

may ~~only~~ participate in only those state payment card programs 4139
that the director establishes pursuant to this section. 4140

(C) In addition to the director's duties under divisions (A) 4141
and (B) of this section, the director may enter into any contract 4142
or agreement necessary for and incidental to the performance of 4143
the director's duties or the duties of the office of budget and 4144
management. 4145

Sec. 126.22. The director of budget and management may: 4146

(A) Perform accounting services for and design and implement 4147
accounting systems with state agencies; 4148

(B) Provide other accounting services, including the 4149
maintenance and periodic auditing of the financial records of and 4150
submission of vouchers by state agencies, provision of assistance 4151
in the analysis of the financial position of state agencies, and 4152
preparation and submission of reports; 4153

(C) Change any accounting code appearing in appropriations 4154
acts of the general assembly. 4155

Sec. 126.24. The OAKS support organization fund is hereby 4156
created in the state treasury for the purpose of paying the 4157
operating expenses of the state's enterprise resource planning 4158
system. The fund shall consist of cash transfers from the 4159
accounting and budgeting fund and the human resources services 4160
fund, and other revenues designated to support the operating costs 4161
of the Ohio administrative knowledge system. All investment 4162
earnings of the fund shall be credited to the fund. 4163

Sec. 126.40. There is hereby created in the state treasury 4164
the forgery recovery fund. The fund shall consist of all moneys 4165
collected by the attorney general from the resolution of cases of 4166
fraud or forgery involving warrants issued by the director of the 4167

office of budget and management. The director shall use the fund 4168
to pay costs associated with the reissue of state warrants to 4169
payees whose warrants were fraudulently redeemed. 4170

Sec. 127.16. (A) Upon the request of either a state agency or 4171
the director of budget and management and after the controlling 4172
board determines that an emergency or a sufficient economic reason 4173
exists, the controlling board may approve the making of a purchase 4174
without competitive selection as provided in division (B) of this 4175
section. 4176

(B) Except as otherwise provided in this section, no state 4177
agency, using money that has been appropriated to it directly, 4178
shall: 4179

(1) Make any purchase from a particular supplier, that would 4180
amount to fifty thousand dollars or more when combined with both 4181
the amount of all disbursements to the supplier during the fiscal 4182
year for purchases made by the agency and the amount of all 4183
outstanding encumbrances for purchases made by the agency from the 4184
supplier, unless the purchase is made by competitive selection or 4185
with the approval of the controlling board; 4186

(2) Lease real estate from a particular supplier, if the 4187
lease would amount to seventy-five thousand dollars or more when 4188
combined with both the amount of all disbursements to the supplier 4189
during the fiscal year for real estate leases made by the agency 4190
and the amount of all outstanding encumbrances for real estate 4191
leases made by the agency from the supplier, unless the lease is 4192
made by competitive selection or with the approval of the 4193
controlling board. 4194

(C) Any person who authorizes a purchase in violation of 4195
division (B) of this section shall be liable to the state for any 4196
state funds spent on the purchase, and the attorney general shall 4197
collect the amount from the person. 4198

(D) Nothing in division (B) of this section shall be construed as:	4199 4200
(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;	4201 4202 4203
(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;	4204 4205 4206 4207
(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;	4208 4209 4210
(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;	4211 4212 4213 4214 4215 4216 4217 4218 4219
(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;	4220 4221 4222 4223
(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	4224 4225 4226 4227 4228 4229

of the agency. The filing shall be in a form and at such times as 4230
the board considers appropriate. 4231

(7) Applying to purchases made with money for the per cent 4232
for arts program established by section 3379.10 of the Revised 4233
Code; 4234

(8) Applying to purchases made by the rehabilitation services 4235
commission of services, or supplies, that are provided to persons 4236
with disabilities, or to purchases made by the commission in 4237
connection with the eligibility determinations it makes for 4238
applicants of programs administered by the social security 4239
administration; 4240

(9) Applying to payments by the department of job and family 4241
services under section 5111.13 of the Revised Code for group 4242
health plan premiums, deductibles, coinsurance, and other 4243
cost-sharing expenses; 4244

(10) Applying to any agency of the legislative branch of the 4245
state government; 4246

(11) Applying to agreements or contracts entered into under 4247
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the 4248
Revised Code; 4249

(12) Applying to purchases of services by the adult parole 4250
authority under section 2967.14 of the Revised Code or by the 4251
department of youth services under section 5139.08 of the Revised 4252
Code; 4253

(13) Applying to dues or fees paid for membership in an 4254
organization or association; 4255

(14) Applying to purchases of utility services pursuant to 4256
section 9.30 of the Revised Code; 4257

(15) Applying to purchases made in accordance with rules 4258
adopted by the department of administrative services of motor 4259

vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	4260 4261
(16) Applying to purchases of tickets for passenger air transportation;	4262 4263
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	4264 4265 4266
(18) Applying to the judicial branch of state government;	4267
(19) Applying to purchases of liquor for resale by the division of liquor control;	4268 4269
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	4270 4271 4272
(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;	4273 4274 4275 4276
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	4277 4278 4279
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	4280 4281
(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;	4282 4283 4284 4285
(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;	4286 4287 4288
(26) Applying to payments by the department of job and family	4289

services to the United States department of health and human 4290
services for printing and mailing notices pertaining to the tax 4291
refund offset program of the internal revenue service of the 4292
United States department of the treasury; 4293

(27) Applying to contracts entered into by the department of 4294
mental retardation and developmental disabilities under ~~sections~~ 4295
section 5123.18, ~~5123.182, and 5123.199~~ of the Revised Code; 4296

(28) Applying to payments made by the department of mental 4297
health under a physician recruitment program authorized by section 4298
5119.101 of the Revised Code; 4299

(29) Applying to contracts entered into with persons by the 4300
director of commerce for unclaimed funds collection and remittance 4301
efforts as provided in division (F) of section 169.03 of the 4302
Revised Code. The director shall keep an itemized accounting of 4303
unclaimed funds collected by those persons and amounts paid to 4304
them for their services. 4305

(30) Applying to purchases made by a state institution of 4306
higher education in accordance with the terms of a contract 4307
between the vendor and an inter-university purchasing group 4308
comprised of purchasing officers of state institutions of higher 4309
education; 4310

(31) Applying to the department of job and family services' 4311
purchases of health assistance services under the children's 4312
health insurance program part I provided for under section 5101.50 4313
of the Revised Code or the children's health insurance program 4314
part II provided for under section 5101.51 of the Revised Code; 4315

(32) Applying to payments by the attorney general from the 4316
reparations fund to hospitals and other emergency medical 4317
facilities for performing medical examinations to collect physical 4318
evidence pursuant to section 2907.28 of the Revised Code; 4319

(33) Applying to contracts with a contracting authority or 4320

administrative receiver under division (B) of section 5126.056 of
the Revised Code; 4321
4322

(34) Applying to reimbursements paid to the United States 4323
department of veterans affairs for pharmaceutical and patient 4324
supply purchases made on behalf of the Ohio veterans' home agency; 4325

(35) Applying to agreements entered into with terminal 4326
distributors of dangerous drugs under section 5110.20 of the 4327
Revised Code; 4328

(36) Applying to payments by the superintendent of the bureau 4329
of criminal identification and investigation to the federal bureau 4330
of investigation for criminal records checks pursuant to section 4331
109.572 of the Revised Code. 4332

(E) Notwithstanding division (B)(1) of this section, the 4333
cumulative purchase threshold shall be seventy-five thousand 4334
dollars for the departments of mental retardation and 4335
developmental disabilities, mental health, rehabilitation and 4336
correction, and youth services. 4337

(F) When determining whether a state agency has reached the 4338
cumulative purchase thresholds established in divisions (B)(1), 4339
(B)(2), and (E) of this section, all of the following purchases by 4340
such agency shall not be considered: 4341

(1) Purchases made through competitive selection or with 4342
controlling board approval; 4343

(2) Purchases listed in division (D) of this section; 4344

(3) For the purposes of the thresholds of divisions (B)(1) 4345
and (E) of this section only, leases of real estate. 4346

(G) As used in this section, "competitive selection," 4347
"purchase," "supplies," and "services" have the same meanings as 4348
in section 125.01 of the Revised Code. 4349

Sec. 131.44. (A) As used in this section:	4350
(1) "Surplus revenue" means the excess, if any, of the total fund balance over the required year-end balance.	4351 4352
(2) "Total fund balance" means the sum of the unencumbered balance in the general revenue fund on the last day of the preceding fiscal year plus the balance in the budget stabilization fund.	4353 4354 4355 4356
(3) "Required year-end balance" means the sum of the following:	4357 4358
(a) Five per cent of the general revenue fund revenues for the preceding fiscal year;	4359 4360
(b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year;	4361 4362 4363
(c) "Carryover balance," which means, with respect to a fiscal biennium, the excess, if any, of the estimated general revenue fund appropriation and transfer requirement for the second fiscal year of the biennium over the estimated general revenue fund revenue for that fiscal year;	4364 4365 4366 4367 4368
(d) "Capital appropriation reserve," which means the amount, if any, of general revenue fund capital appropriations made for the current biennium that the director of budget and management has determined will be encumbered or disbursed;	4369 4370 4371 4372
(e) "Income tax reduction impact reserve," which means an amount equal to the reduction projected by the director of budget and management in income tax revenue in the current fiscal year attributable to the previous reduction in the income tax rate made by the tax commissioner pursuant to division (B) of section 5747.02 of the Revised Code.	4373 4374 4375 4376 4377 4378
(4) "Estimated general revenue fund appropriation and	4379

transfer requirement" means the most recent adjusted 4380
appropriations made by the general assembly from the general 4381
revenue fund and includes both of the following: 4382

(a) Appropriations made and transfers of appropriations from 4383
the first fiscal year to the second fiscal year of the biennium in 4384
provisions of acts of the general assembly signed by the governor 4385
but not yet effective; 4386

(b) Transfers of appropriation from the first fiscal year to 4387
the second fiscal year of the biennium approved by the controlling 4388
board. 4389

(5) "Estimated general revenue fund revenue" means the most 4390
recent such estimate available to the director of budget and 4391
management. 4392

(B)(1) Not later than the thirty-first day of July each year, 4393
the director of budget and management shall determine the surplus 4394
revenue that existed on the preceding thirtieth day of June and 4395
transfer from the general revenue fund, to the extent of the 4396
unobligated, unencumbered balance on the preceding thirtieth day 4397
of June in excess of one-half of one per cent of the general 4398
revenue fund revenues in the preceding fiscal year, the following: 4399

(a) First, to the budget stabilization fund, any amount 4400
necessary for the balance of the budget stabilization fund to 4401
equal five per cent of the general revenue fund revenues of the 4402
preceding fiscal year; 4403

(b) Then, to the income tax reduction fund, which is hereby 4404
created in the state treasury, an amount equal to the surplus 4405
revenue. 4406

(2) Not later than the thirty-first day of July each year, 4407
the director shall determine the percentage that the balance in 4408
the income tax reduction fund is of the amount of revenue that the 4409
director estimates will be received from the tax levied under 4410

section 5747.02 of the Revised Code in the current fiscal year 4411
without regard to any reduction under division (B) of that 4412
section. If that percentage exceeds thirty-five one hundredths of 4413
one per cent, the director shall certify the percentage to the tax 4414
commissioner not later than the thirty-first day of July. 4415

(C) The director of budget and management shall transfer 4416
money in the income tax reduction fund to the general revenue 4417
fund, the local government fund, and the library and local 4418
government support fund, ~~and the local government revenue~~ 4419
~~assistance fund~~ as necessary to offset revenue reductions 4420
resulting from the reductions in taxes required under division (B) 4421
of section 5747.02 of the Revised Code in the respective amounts 4422
and percentages prescribed by ~~divisions~~ division (A)~~(1), (2), and~~ 4423
~~(4)~~ of section 5747.03 and divisions (A) and (B) of section 131.51 4424
of the Revised Code as if the amount transferred had been 4425
collected as taxes under Chapter 5747. of the Revised Code. If no 4426
reductions in taxes are made under that division that affect 4427
revenue received in the current fiscal year, the director shall 4428
not transfer money from the income tax reduction fund to the 4429
general revenue fund, the local government fund, and the library 4430
and local government support fund, ~~and the local government~~ 4431
~~revenue assistance fund~~. 4432

Sec. 131.51. (A) Beginning January 2008, on or before the 4433
fifth day of each month, the director of budget and management 4434
shall credit to the local government fund three and sixty-eight 4435
one hundredths per cent of total tax revenue credited to the 4436
general revenue fund during the preceding month. In determining 4437
the total tax revenue credited to the general revenue fund during 4438
the preceding month, the director shall include amounts 4439
transferred from that fund during the preceding month pursuant to 4440
divisions (A) and (B) of this section. Money shall be distributed 4441
from the local government fund as required under section 5747.50 4442

of the Revised Code during the same month in which it is credited 4443
to the fund. 4444

(B) Beginning January 2008, on or before the fifth day of 4445
each month, the director of budget and management shall credit to 4446
the library and local government support fund, two and twenty-two 4447
one hundredths per cent of the total tax revenue credited to the 4448
general revenue fund during the preceding month. In determining 4449
the total tax revenue credited to the general revenue fund during 4450
the preceding month, the director shall include amounts 4451
transferred from that fund during the preceding month pursuant to 4452
divisions (A) and (B) of this section. Money shall be distributed 4453
from the library and local government support fund as required 4454
under section 5747.47 of the Revised Code during the same month in 4455
which it is credited to the fund. 4456

(C) The director of budget and management shall develop a 4457
schedule identifying the specific tax revenue sources to be used 4458
to make the monthly transfers required under divisions (A) and (B) 4459
of this section. The director may, from time to time, revise the 4460
schedule as the director considers necessary. 4461

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 4462
and 2151.655 of the Revised Code, in other sections of the Revised 4463
Code that make reference to this chapter unless the context does 4464
not permit, and in related proceedings, unless otherwise expressly 4465
provided: 4466

(A) "Acquisition" as applied to real or personal property 4467
includes, among other forms of acquisition, acquisition by 4468
exercise of a purchase option, and acquisition of interests in 4469
property, including, without limitation, easements and 4470
rights-of-way, and leasehold and other lease interests initially 4471
extending or extendable for a period of at least sixty months. 4472

(B) "Anticipatory securities" means securities, including 4473

notes, issued in anticipation of the issuance of other securities. 4474

(C) "Board of elections" means the county board of elections 4475
of the county in which the subdivision is located. If the 4476
subdivision is located in more than one county, "board of 4477
elections" means the county board of elections of the county that 4478
contains the largest portion of the population of the subdivision 4479
or that otherwise has jurisdiction in practice over and 4480
customarily handles election matters relating to the subdivision. 4481

(D) "Bond retirement fund" means the bond retirement fund 4482
provided for in section 5705.09 of the Revised Code, and also 4483
means a sinking fund or any other special fund, regardless of the 4484
name applied to it, established by or pursuant to law or the 4485
proceedings for the payment of debt charges. Provision may be made 4486
in the applicable proceedings for the establishment in a bond 4487
retirement fund of separate accounts relating to debt charges on 4488
particular securities, or on securities payable from the same or 4489
common sources, and for the application of moneys in those 4490
accounts only to specified debt charges on specified securities or 4491
categories of securities. Subject to law and any provisions in the 4492
applicable proceedings, moneys in a bond retirement fund or 4493
separate account in a bond retirement fund may be transferred to 4494
other funds and accounts. 4495

(E) "Capitalized interest" means all or a portion of the 4496
interest payable on securities from their date to a date stated or 4497
provided for in the applicable legislation, which interest is to 4498
be paid from the proceeds of the securities. 4499

(F) "Chapter 133. securities" means securities authorized by 4500
or issued pursuant to or in accordance with this chapter. 4501

(G) "County auditor" means the county auditor of the county 4502
in which the subdivision is located. If the subdivision is located 4503
in more than one county, "county auditor" means the county auditor 4504

of the county that contains the highest amount of the tax 4505
valuation of the subdivision or that otherwise has jurisdiction in 4506
practice over and customarily handles property tax matters 4507
relating to the subdivision. In the case of a county that has 4508
adopted a charter, "county auditor" means the officer who 4509
generally has the duties and functions provided in the Revised 4510
Code for a county auditor. 4511

(H) "Credit enhancement facilities" means letters of credit, 4512
lines of credit, stand-by, contingent, or firm securities purchase 4513
agreements, insurance, or surety arrangements, guarantees, and 4514
other arrangements that provide for direct or contingent payment 4515
of debt charges, for security or additional security in the event 4516
of nonpayment or default in respect of securities, or for making 4517
payment of debt charges to and at the option and on demand of 4518
securities holders or at the option of the issuer or upon certain 4519
conditions occurring under put or similar arrangements, or for 4520
otherwise supporting the credit or liquidity of the securities, 4521
and includes credit, reimbursement, marketing, remarketing, 4522
indexing, carrying, interest rate hedge, and subrogation 4523
agreements, and other agreements and arrangements for payment and 4524
reimbursement of the person providing the credit enhancement 4525
facility and the security for that payment and reimbursement. 4526

(I) "Current operating expenses" or "current expenses" means 4527
the lawful expenditures of a subdivision, except those for 4528
permanent improvements and for payments of debt charges of the 4529
subdivision. 4530

(J) "Debt charges" means the principal, including any 4531
mandatory sinking fund deposits and mandatory redemption payments, 4532
interest, and any redemption premium, payable on securities as 4533
those payments come due and are payable. The use of "debt charges" 4534
for this purpose does not imply that any particular securities 4535
constitute debt within the meaning of the Ohio Constitution or 4536

other laws. 4537

(K) "Financing costs" means all costs and expenses relating 4538
to the authorization, including any required election, issuance, 4539
sale, delivery, authentication, deposit, custody, clearing, 4540
registration, transfer, exchange, fractionalization, replacement, 4541
payment, and servicing of securities, including, without 4542
limitation, costs and expenses for or relating to publication and 4543
printing, postage, delivery, preliminary and final official 4544
statements, offering circulars, and informational statements, 4545
travel and transportation, underwriters, placement agents, 4546
investment bankers, paying agents, registrars, authenticating 4547
agents, remarketing agents, custodians, clearing agencies or 4548
corporations, securities depositories, financial advisory 4549
services, certifications, audits, federal or state regulatory 4550
agencies, accounting and computation services, legal services and 4551
obtaining approving legal opinions and other legal opinions, 4552
credit ratings, redemption premiums, and credit enhancement 4553
facilities. Financing costs may be paid from any moneys available 4554
for the purpose, including, unless otherwise provided in the 4555
proceedings, from the proceeds of the securities to which they 4556
relate and, as to future financing costs, from the same sources 4557
from which debt charges on the securities are paid and as though 4558
debt charges. 4559

(L) "Fiscal officer" means the following, or, in the case of 4560
absence or vacancy in the office, a deputy or assistant authorized 4561
by law or charter to act in the place of the named officer, or if 4562
there is no such authorization then the deputy or assistant 4563
authorized by legislation to act in the place of the named officer 4564
for purposes of this chapter, in the case of the following 4565
subdivisions: 4566

(1) A county, the county auditor; 4567

(2) A municipal corporation, the city auditor or village 4568

clerk or clerk-treasurer, or the officer who, by virtue of a	4569
charter, has the duties and functions provided in the Revised Code	4570
for the city auditor or village clerk or clerk-treasurer;	4571
(3) A school district, the treasurer of the board of	4572
education;	4573
(4) A regional water and sewer district, the secretary of the	4574
board of trustees;	4575
(5) A joint township hospital district, the treasurer of the	4576
district;	4577
(6) A joint ambulance district, the clerk of the board of	4578
trustees;	4579
(7) A joint recreation district, the person designated	4580
pursuant to section 755.15 of the Revised Code;	4581
(8) A detention facility district or a district organized	4582
under section 2151.65 of the Revised Code or a combined district	4583
organized under sections 2152.41 and 2151.65 of the Revised Code,	4584
the county auditor of the county designated by law to act as the	4585
auditor of the district;	4586
(9) A township, a fire district organized under division (C)	4587
of section 505.37 of the Revised Code, or a township police	4588
district, the fiscal officer of the township;	4589
(10) A joint fire district, the clerk of the board of	4590
trustees of that district;	4591
(11) A regional or county library district, the person	4592
responsible for the financial affairs of that district;	4593
(12) A joint solid waste management district, the fiscal	4594
officer appointed by the board of directors of the district under	4595
section 343.01 of the Revised Code;	4596
(13) A joint emergency medical services district, the person	4597
appointed as fiscal officer pursuant to division (D) of section	4598

307.053 of the Revised Code; 4599

(14) A fire and ambulance district, the person appointed as 4600
fiscal officer under division (B) of section 505.375 of the 4601
Revised Code; 4602

(15) A subdivision described in division (MM)(17) of this 4603
section, the officer who is designated by law as or performs the 4604
functions of its chief fiscal officer. 4605

(M) "Fiscal year" has the same meaning as in section 9.34 of 4606
the Revised Code. 4607

(N) "Fractionalized interests in public obligations" means 4608
participations, certificates of participation, shares, or other 4609
instruments or agreements, separate from the public obligations 4610
themselves, evidencing ownership of interests in public 4611
obligations or of rights to receive payments of, or on account of, 4612
principal or interest or their equivalents payable by or on behalf 4613
of an obligor pursuant to public obligations. 4614

(O) "Fully registered securities" means securities in 4615
certificated or uncertificated form, registered as to both 4616
principal and interest in the name of the owner. 4617

(P) "Fund" means to provide for the payment of debt charges 4618
and expenses related to that payment at or prior to retirement by 4619
purchase, call for redemption, payment at maturity, or otherwise. 4620

(Q) "General obligation" means securities to the payment of 4621
debt charges on which the full faith and credit and the general 4622
property taxing power, including taxes within the tax limitation 4623
if available to the subdivision, of the subdivision are pledged. 4624

(R) "Interest" or "interest equivalent" means those payments 4625
or portions of payments, however denominated, that constitute or 4626
represent consideration for forbearing the collection of money, or 4627
for deferring the receipt of payment of money to a future time. 4628

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

(T) "Issuer" means any public issuer and any nonprofit corporation authorized to issue securities for or on behalf of any public issuer.

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

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

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

(X) "Net indebtedness" has the same meaning as in division (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 4660
improvements for the same utility, enterprise, system, or project, 4661
development or redevelopment project, or for or devoted to the 4662
same general purpose, function, or use or for which 4663
self-supporting securities, based on the same or different sources 4664
of revenues, may be issued or for which special assessments may be 4665
levied by a single ordinance or resolution. "One purpose" 4666
includes, but is not limited to, in any case any off-street 4667
parking facilities relating to another permanent improvement, and: 4668

(1) Any number of roads, highways, streets, bridges, 4669
sidewalks, and viaducts; 4670

(2) Any number of off-street parking facilities; 4671

(3) In the case of a county, any number of permanent 4672
improvements for courthouse, jail, county offices, and other 4673
county buildings, and related facilities; 4674

(4) In the case of a school district, any number of 4675
facilities and buildings for school district purposes, and related 4676
facilities. 4677

(AA) "Outstanding," referring to securities, means securities 4678
that have been issued, delivered, and paid for, except any of the 4679
following: 4680

(1) Securities canceled upon surrender, exchange, or 4681
transfer, or upon payment or redemption; 4682

(2) Securities in replacement of which or in exchange for 4683
which other securities have been issued; 4684

(3) Securities for the payment, or redemption or purchase for 4685
cancellation prior to maturity, of which sufficient moneys or 4686
investments, in accordance with the applicable legislation or 4687
other proceedings or any applicable law, by mandatory sinking fund 4688
redemption requirements, mandatory sinking fund requirements, or 4689

otherwise, have been deposited, and credited for the purpose in a 4690
bond retirement fund or with a trustee or paying or escrow agent, 4691
whether at or prior to their maturity or redemption, and, in the 4692
case of securities to be redeemed prior to their stated maturity, 4693
notice of redemption has been given or satisfactory arrangements 4694
have been made for giving notice of that redemption, or waiver of 4695
that notice by or on behalf of the affected security holders has 4696
been filed with the subdivision or its agent for the purpose. 4697

(BB) "Paying agent" means the one or more banks, trust 4698
companies, or other financial institutions or qualified persons, 4699
including an appropriate office or officer of the subdivision, 4700
designated as a paying agent or place of payment of debt charges 4701
on the particular securities. 4702

(CC) "Permanent improvement" or "improvement" means any 4703
property, asset, or improvement certified by the fiscal officer, 4704
which certification is conclusive, as having an estimated life or 4705
period of usefulness of five years or more, and includes, but is 4706
not limited to, real estate, buildings, and personal property and 4707
interests in real estate, buildings, and personal property, 4708
equipment, furnishings, and site improvements, and reconstruction, 4709
rehabilitation, renovation, installation, improvement, 4710
enlargement, and extension of property, assets, or improvements so 4711
certified as having an estimated life or period of usefulness of 4712
five years or more. The acquisition of all the stock ownership of 4713
a corporation is the acquisition of a permanent improvement to the 4714
extent that the value of that stock is represented by permanent 4715
improvements. A permanent improvement for parking, highway, road, 4716
and street purposes includes resurfacing, but does not include 4717
ordinary repair. 4718

(DD) "Person" has the same meaning as in section 1.59 of the 4719
Revised Code and also includes any federal, state, interstate, 4720
regional, or local governmental agency, any subdivision, and any 4721

combination of those persons. 4722

(EE) "Proceedings" means the legislation, certifications, 4723
notices, orders, sale proceedings, trust agreement or indenture, 4724
mortgage, lease, lease-purchase agreement, assignment, credit 4725
enhancement facility agreements, and other agreements, 4726
instruments, and documents, as amended and supplemented, and any 4727
election proceedings, authorizing, or providing for the terms and 4728
conditions applicable to, or providing for the security or sale or 4729
award of, public obligations, and includes the provisions set 4730
forth or incorporated in those public obligations and proceedings. 4731

(FF) "Public issuer" means any of the following that is 4732
authorized by law to issue securities or enter into public 4733
obligations: 4734

(1) The state, including an agency, commission, officer, 4735
institution, board, authority, or other instrumentality of the 4736
state; 4737

(2) A taxing authority, subdivision, district, or other local 4738
public or governmental entity, and any combination or consortium, 4739
or public division, district, commission, authority, department, 4740
board, officer, or institution, thereof; 4741

(3) Any other body corporate and politic, or other public 4742
entity. 4743

(GG) "Public obligations" means both of the following: 4744

(1) Securities; 4745

(2) Obligations of a public issuer to make payments under 4746
installment sale, lease, lease purchase, or similar agreements, 4747
which obligations bear interest or interest equivalent. 4748

(HH) "Refund" means to fund and retire outstanding 4749
securities, including advance refunding with or without payment or 4750
redemption prior to maturity. 4751

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

(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.

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

(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that subdivision, derived from or with respect to the improvements or the operation of the improvements being financed, or the enterprise, system, project, or category of improvements of which the improvements being financed are part, are estimated by the fiscal officer to be sufficient to pay the current expenses of that operation or of those improvements or enterprise, system, project, or categories of improvements and the debt charges payable from those receipts on securities issued for the purpose. Until such time as the improvements or increases in rates and charges have been in operation or effect for a period of at least six months, the receipts therefrom, for purposes of this definition, shall be those estimated by the fiscal officer, except that those receipts may include, without limitation, payments made and to be made to the subdivision under leases or agreements in

effect at the time the estimate is made. In the case of an 4784
operation, improvements, or enterprise, system, project, or 4785
category of improvements without at least a six-month history of 4786
receipts, the estimate of receipts by the fiscal officer, other 4787
than those to be derived under leases and agreements then in 4788
effect, shall be confirmed by the taxing authority. 4789

(MM) "Subdivision" means any of the following: 4790

(1) A county, including a county that has adopted a charter 4791
under Article X, Ohio Constitution; 4792

(2) A municipal corporation, including a municipal 4793
corporation that has adopted a charter under Article XVIII, Ohio 4794
Constitution; 4795

(3) A school district; 4796

(4) A regional water and sewer district organized under 4797
Chapter 6119. of the Revised Code; 4798

(5) A joint township hospital district organized under 4799
section 513.07 of the Revised Code; 4800

(6) A joint ambulance district organized under section 505.71 4801
of the Revised Code; 4802

(7) A joint recreation district organized under division (C) 4803
of section 755.14 of the Revised Code; 4804

(8) A detention facility district organized under section 4805
2152.41, a district organized under section 2151.65, or a combined 4806
district organized under sections 2152.41 and 2151.65 of the 4807
Revised Code; 4808

(9) A township police district organized under section 505.48 4809
of the Revised Code; 4810

(10) A township; 4811

(11) A joint fire district organized under section 505.371 of 4812

the Revised Code;	4813
(12) A county library district created under section 3375.19	4814
or a regional library district created under section 3375.28 of	4815
the Revised Code;	4816
(13) A joint solid waste management district organized under	4817
section 343.01 or 343.012 of the Revised Code;	4818
(14) A joint emergency medical services district organized	4819
under section 307.052 of the Revised Code;	4820
(15) A fire and ambulance district organized under section	4821
505.375 of the Revised Code;	4822
(16) A fire district organized under division (C) of section	4823
505.37 of the Revised Code;	4824
(17) Any other political subdivision or taxing district or	4825
other local public body or agency authorized by this chapter or	4826
other laws to issue Chapter 133. securities.	4827
(NN) "Taxing authority" means in the case of the following	4828
subdivisions:	4829
(1) A county, a county library district, or a regional	4830
library district, the board or boards of county commissioners, or	4831
other legislative authority of a county that has adopted a charter	4832
under Article X, Ohio Constitution, but with respect to such a	4833
library district acting solely as agent for the board of trustees	4834
of that district;	4835
(2) A municipal corporation, the legislative authority;	4836
(3) A school district, the board of education;	4837
(4) A regional water and sewer district, a joint ambulance	4838
district, a joint recreation district, a fire and ambulance	4839
district, or a joint fire district, the board of trustees of the	4840
district;	4841

(5) A joint township hospital district, the joint township hospital board;	4842 4843
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	4844 4845 4846 4847 4848
(7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the board of township trustees;	4849 4850 4851
(8) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code, the board of directors of the district;	4852 4853 4854
(9) A subdivision described in division (MM)(17) of this section, the legislative or governing body or official.	4855 4856
(OO) "Tax limitation" means the "ten-mill limitation" as defined in section 5705.02 of the Revised Code without diminution by reason of section 5705.313 of the Revised Code or otherwise, or, in the case of a municipal corporation or county with a different charter limitation on property taxes levied to pay debt charges on unvoted securities, that charter limitation. Those limitations shall be respectively referred to as the "ten-mill limitation" and the "charter tax limitation."	4857 4858 4859 4860 4861 4862 4863 4864
(PP) "Tax valuation" means the aggregate of the valuations of property subject to ad valorem property taxation by the subdivision on the real property, personal property, and public utility property tax lists and duplicates most recently certified for collection, and shall be calculated without deductions of the valuations of otherwise taxable property exempt in whole or in part from taxation by reason of exemptions of certain amounts of taxable value under division (C) of section 5709.01 or, tax	4865 4866 4867 4868 4869 4870 4871 4872

reductions under section 323.152 of the Revised Code, or similar 4873
laws now or in the future in effect. 4874

For purposes of section 133.06 of the Revised Code, "tax 4875
valuation" shall not include the valuation of tangible personal 4876
property used in business, telephone or telegraph property, 4877
interexchange telecommunications company property, or personal 4878
property owned or leased by a railroad company and used in 4879
railroad operations listed under or described in section 5711.22, 4880
division (B) or (F) of section 5727.111, or section 5727.12 of the 4881
Revised Code. 4882

(QQ) "Year" means the calendar year. 4883

(RR) "Administrative agent," "agent," "commercial paper," 4884
"floating rate interest structure," "indexing agent," "interest 4885
rate hedge," "interest rate period," "put arrangement," and 4886
"remarketing agent" have the same meanings as in section 9.98 of 4887
the Revised Code. 4888

(SS) "Sales tax supported" means obligations to the payment 4889
of debt charges on which an additional sales tax or additional 4890
sales taxes have been pledged by the taxing authority of a county 4891
pursuant to section 133.081 of the Revised Code. 4892

Sec. 149.311. (A) As used in this section: 4893

(1) "Historic building" means a building, including its 4894
structural components, that is located in this state and that is 4895
either individually listed on the national register of historic 4896
places under 16 U.S.C. 470a, located in a registered historic 4897
district, and certified by the state historic preservation officer 4898
as being of historic significance to the district, or is 4899
individually listed as a historic landmark designated by a local 4900
government certified under 16 U.S.C. 470a(c). 4901

(2) "Qualified rehabilitation expenditures" means 4902

expenditures paid or incurred during the rehabilitation period, 4903
and before and after that period as determined under 26 U.S.C. 47, 4904
by an owner of a historic building to rehabilitate the building. 4905
"Qualified rehabilitation expenditures" includes architectural or 4906
engineering fees paid or incurred in connection with the 4907
rehabilitation, and expenses incurred in the preparation of 4908
nomination forms for listing on the national register of historic 4909
places. "Qualified rehabilitation expenditures" does not include 4910
any of the following: 4911

(a) The cost of acquiring, expanding, or enlarging a historic 4912
building; 4913

(b) Expenditures attributable to work done to facilities 4914
related to the building, such as parking lots, sidewalks, and 4915
landscaping; 4916

(c) New building construction costs. 4917

(3) "Owner" of a historic building means a person holding the 4918
fee simple interest in the building. 4919

(4) "Certificate owner" means the owner of a historic 4920
building to which a rehabilitation tax credit certificate was 4921
issued under this section. 4922

(5) "Registered historic district" means a historic district 4923
listed in the national register of historic places under 16 U.S.C. 4924
470a, a historic district designated by a local government 4925
certified under 16 U.S.C. 470a(c), or a local historic district 4926
certified under 36 C.F.R. 67.8 and 67.9. 4927

(6) "Rehabilitation" means the process of repairing or 4928
altering a historic building or buildings, making possible an 4929
efficient use while preserving those portions and features of the 4930
building and its site and environment that are significant to its 4931
historic, architectural, and cultural values. 4932

- (7) "Rehabilitation period" means one of the following: 4933
- (a) If the rehabilitation initially was not planned to be 4934
completed in stages, a period chosen by the owner not to exceed 4935
twenty-four months during which rehabilitation occurs; 4936
- (b) If the rehabilitation initially was planned to be 4937
completed in stages, a period chosen by the owner not to exceed 4938
sixty months during which rehabilitation occurs. 4939
- (8) "State historic preservation officer" or "officer" means 4940
the state historic preservation officer appointed by the governor 4941
under 16 U.S.C. 470a. 4942
- (9) "Application period" means either of the following time 4943
periods during which an application for a rehabilitation tax 4944
credit certificate may be filed under this section: 4945
- (a) July 1, 2007, through June 30, 2008; 4946
- (b) July 1, 2008, through June 30, 2009. 4947
- (B) On or after July 1, 2007, but before July 1, 2009, the 4948
owner of a historic building may apply to the state historic 4949
preservation officer for a rehabilitation tax credit certificate 4950
for qualified rehabilitation expenditures paid or incurred after 4951
~~the effective date of this section~~ April 4, 2007, for 4952
rehabilitation of a historic building. The form and manner of 4953
filing such applications shall be prescribed by rule of the 4954
director of development, and applications expire at the end of 4955
each application period. Before July 1, 2007, the director, after 4956
consultation with the tax commissioner and in accordance with 4957
Chapter 119. of the Revised Code, shall adopt rules that establish 4958
all of the following: 4959
- (1) Forms and procedures by which applicants may apply for 4960
rehabilitation tax credit certificates; 4961
- (2) Criteria for reviewing, evaluating, and approving 4962

applications for certificates within the limitation on the number 4963
of applications that may be approved in an application period 4964
under division (D) of this section, criteria for assuring that the 4965
certificates issued encompass a mixture of high and low qualified 4966
rehabilitation expenditures, and criteria for issuing certificates 4967
under division (C)(3)(b) of this section; 4968

(3) Eligibility requirements for obtaining a certificate 4969
under this section; 4970

(4) The form of rehabilitation tax credit certificates; 4971

(5) Reporting requirements and monitoring procedures; 4972

(6) Any other rules necessary to implement and administer 4973
this section. 4974

(C) The state historic preservation officer shall accept 4975
applications in the order in which they are filed. Within seven 4976
days after an application is filed, the officer shall forward it 4977
to the director of development who shall review the application 4978
and determine whether all of the following criteria are met: 4979

(1) That the building that is the subject of the application 4980
is a historic building and the applicant is the owner of the 4981
building; 4982

(2) That the rehabilitation will satisfy standards prescribed 4983
by the United States secretary of the interior under 16 U.S.C. 4984
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 4985
that section; 4986

(3) That receiving a rehabilitation tax credit certificate 4987
under this section is a major factor in: 4988

(a) The applicant's decision to rehabilitate the historic 4989
building; or 4990

(b) To increase the level of investment in such 4991
rehabilitation. 4992

An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director of development that the rehabilitation will satisfy the standards described in division (C)(2) of this section before the applicant begins the physical rehabilitation of the historic building.

(D) If the director of development determines that the criteria in divisions (C)(1), (2), and (3) of this section are met, the director, in conjunction with the tax commissioner, shall conduct a cost and benefit analysis for the historic building that is the subject of an application filed under this section to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used. When conducting the analysis, the director and the commissioner also shall consider the economic impact of the construction phase of rehabilitating the historic building. The director shall not approve an application and issue a rehabilitation tax credit certificate to an applicant unless the cost and benefit analysis of the historic building determines that there will be a net revenue gain in state and local taxes once the building is used. A rehabilitation tax credit certificate shall not be issued before rehabilitation of a historic building is completed. The director shall not approve more than one hundred applications in an application period.

(E) Issuance of a certificate represents a finding by the director of development of the matters described in divisions (C)(1), (2), and (3) of this section only; issuance of a certificate does not represent a verification or certification by the director of the amount of qualified rehabilitation expenditures for which a tax credit may be claimed under section 5725.151, 5733.47, or 5747.76 of the Revised Code. The amount of qualified rehabilitation expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax

commissioner or employees of the commissioner under section 5025
5703.19 of the Revised Code and any other applicable law. Upon the 5026
issuance of a certificate, the director shall certify to the tax 5027
commissioner, in the form and manner requested by the tax 5028
commissioner, the name of the applicant, the amount of qualified 5029
rehabilitation expenditures shown on the certificate, and any 5030
other information required by the rules adopted under this 5031
section. 5032

(F)(1) On or before the first day of December in 2007, 2008, 5033
and 2009, the director of development and tax commissioner jointly 5034
shall submit to the president of the senate and the speaker of the 5035
house of representatives a report on the tax credit program 5036
established under this section and sections 5725.151, 5733.47, and 5037
5747.76 of the Revised Code. The report shall present an overview 5038
of the program and shall include information on the number of 5039
rehabilitation tax credit certificates issued under this section 5040
during an application period, an update on the status of each 5041
historic building for which an application was approved under this 5042
section, the dollar amount of the tax credits granted under 5043
sections 5725.151, 5733.47, and 5747.76 of the Revised Code, and 5044
any other information the director and commissioner consider 5045
relevant to the topics addressed in the report. 5046

(2) On or before December 1, 2010, the director of 5047
development and tax commissioner jointly shall submit to the 5048
president of the senate and the speaker of the house of 5049
representatives a comprehensive report that includes the 5050
information required by division (F)(1) of this section and a 5051
detailed analysis of the effectiveness of issuing tax credits for 5052
rehabilitating historic buildings. The report shall be prepared 5053
with the assistance of an economic research organization jointly 5054
chosen by the director and commissioner. 5055

Sec. 151.08. This section applies to obligations as defined 5056
in this section. 5057

(A) As used in this section: 5058

(1) "Capital facilities" or "capital improvement projects" 5059
means the acquisition, construction, reconstruction, improvement, 5060
planning, and equipping of roads and bridges, waste water 5061
treatment systems, water supply systems, solid waste disposal 5062
facilities, flood control systems, and storm water and sanitary 5063
collection, storage, and treatment facilities, including real 5064
property, interests in real property, facilities, and equipment 5065
related or incidental to those facilities. 5066

(2) "Costs of capital facilities" include related direct 5067
administrative expenses and allocable portions of direct costs of 5068
the Ohio public works commission and the local subdivision. 5069

(3) "Local subdivision" means any county, municipal 5070
corporation, township, sanitary district, or regional water and 5071
sewer district. 5072

(4) "Obligations" means obligations as defined in section 5073
151.01 of the Revised Code issued to pay costs of capital 5074
facilities. 5075

(B)(1) The issuing authority shall issue obligations to pay 5076
costs of financing or assisting in the financing of the capital 5077
improvement projects of local subdivisions pursuant to Section 2m 5078
of Article VIII, Ohio Constitution, section 151.01 of the Revised 5079
Code, and this section. Not more than one hundred twenty million 5080
dollars principal amount of obligations, plus the principal amount 5081
of obligations that in any prior fiscal years could have been, but 5082
were not, issued within that one-hundred-twenty-million dollar 5083
fiscal year limit, may be issued in any fiscal year. Not more than 5084
one billion two hundred million dollars principal amount of 5085

obligations pursuant to Section 2m of Article VIII, Ohio
Constitution may be issued for the purposes of this section and
division (B)(2) of section 164.09 of the Revised Code.

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

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

(D) There is hereby created in the state treasury the "state
capital improvements bond service fund." All moneys received by
the state and required by the bond proceedings, consistent with
this section and section 151.01 of the Revised Code, to be
deposited, transferred, or credited to the bond service fund, and
all other moneys transferred or allocated to or received for the

purposes of that fund, shall be deposited and credited to the bond 5118
service fund, subject to any applicable provisions of the bond 5119
proceedings but without necessity for any act of appropriation. 5120
During the period beginning with the date of the first issuance of 5121
obligations and continuing during the time that any obligations 5122
are outstanding in accordance with their terms, so long as moneys 5123
in the bond service fund are insufficient to pay debt service when 5124
due on those obligations payable from that fund (except the 5125
principal amounts of bond anticipation notes payable from the 5126
proceeds of renewal notes or bonds anticipated) and due in the 5127
particular fiscal year, a sufficient amount of revenues of the 5128
state is committed and, without necessity for further act of 5129
appropriation, shall be paid to the bond service fund for the 5130
purpose of paying that debt service when due. 5131

Sec. 151.40. (A) As used in this section: 5132

(1) "Bond proceedings" includes any trust agreements, and any 5133
amendments or supplements to them, as authorized by this section. 5134

(2) "Costs of revitalization projects" includes related 5135
direct administrative expenses and allocable portions of the 5136
direct costs of those projects of the department of development or 5137
the environmental protection agency. 5138

(3) "Issuing authority" means the treasurer of state. 5139

(4) "Obligations" means obligations as defined in section 5140
151.01 of the Revised Code issued to pay the costs of projects for 5141
revitalization purposes as referred to in division (A)(2) of 5142
Section 2o of Article VIII, Ohio Constitution. 5143

(5) "Pledged liquor profits" means all receipts of the state 5144
representing the gross profit on the sale of spirituous liquor, as 5145
referred to in division (B)(4) of section 4301.10 of the Revised 5146
Code, after paying all costs and expenses of the division of 5147

liquor control and providing an adequate working capital reserve 5148
for the division of liquor control as provided in that division, 5149
but excluding the sum required by the second paragraph of section 5150
4301.12 of the Revised Code, as it was in effect on May 2, 1980, 5151
to be paid into the state treasury. 5152

(6) "Pledged receipts" means, as and to the extent provided 5153
in bond proceedings: 5154

(a) Pledged liquor profits. The pledge of pledged liquor 5155
profits to obligations is subject to the priority of the pledge of 5156
those profits to obligations issued and to be issued pursuant to 5157
Chapter 166. of the Revised Code. 5158

(b) Moneys accruing to the state from the lease, sale, or 5159
other disposition or use of revitalization projects or from the 5160
repayment, including any interest, of loans or advances made from 5161
net proceeds; 5162

(c) Accrued interest received from the sale of obligations; 5163

(d) Income from the investment of the special funds; 5164

(e) Any gifts, grants, donations, or pledges, and receipts 5165
therefrom, available for the payment of debt service; 5166

(f) Additional or any other specific revenues or receipts 5167
lawfully available to be pledged, and pledged, pursuant to further 5168
authorization by the general assembly, to the payment of debt 5169
service. 5170

(B)(1) The issuing authority shall issue obligations of the 5171
state to pay costs of revitalization projects pursuant to division 5172
(B)(2) of Section 20 of Article VIII, Ohio Constitution, section 5173
151.01 of the Revised Code as applicable to this section, and this 5174
section. The issuing authority, upon the certification to it by 5175
the clean Ohio council of the amount of moneys needed in and for 5176
the purposes of the clean Ohio revitalization fund created by 5177

section 122.658 of the Revised Code, shall issue obligations in 5178
the amount determined by the issuing authority to be required for 5179
those purposes. Not more than two hundred million dollars 5180
principal amount of obligations issued under this section for 5181
revitalization purposes may be outstanding at any one time. Not 5182
more than fifty million dollars principal amount of obligations, 5183
plus the principal amount of obligations that in any prior fiscal 5184
year could have been, but were not issued within the 5185
fifty-million-dollar fiscal year limit, may be issued in any 5186
fiscal year. 5187

(2) The provisions and authorizations in section 151.01 of 5188
the Revised Code apply to the obligations and the bond proceedings 5189
except as otherwise provided or provided for in those obligations 5190
and bond proceedings. 5191

(C) Net proceeds of obligations shall be deposited in the 5192
clean Ohio revitalization fund created in section 122.658 of the 5193
Revised Code. 5194

(D) There is hereby created the revitalization projects bond 5195
service fund, which shall be in the custody of the treasurer of 5196
state, but shall be separate and apart from and not a part of the 5197
state treasury. All money received by the state and required by 5198
the bond proceedings, consistent with section 151.01 of the 5199
Revised Code and this section, to be deposited, transferred, or 5200
credited to the bond service fund, and all other money transferred 5201
or allocated to or received for the purposes of that fund, shall 5202
be deposited and credited to the bond service fund, subject to any 5203
applicable provisions of the bond proceedings, but without 5204
necessity for any act of appropriation. During the period 5205
beginning with the date of the first issuance of obligations and 5206
continuing during the time that any obligations are outstanding in 5207
accordance with their terms, so long as moneys in the bond service 5208
fund are insufficient to pay debt service when due on those 5209

obligations payable from that fund, except the principal amounts 5210
of bond anticipation notes payable from the proceeds of renewal 5211
notes or bonds anticipated, and due in the particular fiscal year, 5212
a sufficient amount of pledged receipts is committed and, without 5213
necessity for further act of appropriation, shall be paid to the 5214
bond service fund for the purpose of paying that debt service when 5215
due. 5216

(E) The issuing authority may pledge all, or such portion as 5217
the issuing authority determines, of the pledged receipts to the 5218
payment of the debt service charges on obligations issued under 5219
this section, and for the establishment and maintenance of any 5220
reserves, as provided in the bond proceedings, and make other 5221
provisions in the bond proceedings with respect to pledged 5222
receipts as authorized by this section, which provisions are 5223
controlling notwithstanding any other provisions of law pertaining 5224
to them. 5225

(F) The issuing authority may covenant in the bond 5226
proceedings, and such covenants shall be controlling 5227
notwithstanding any other provision of law, that the state and 5228
applicable officers and state agencies, including the general 5229
assembly, so long as any obligations issued under this section are 5230
outstanding, shall maintain statutory authority for and cause to 5231
be charged and collected wholesale or retail prices for spirituous 5232
liquor sold by the state or its agents so that the available 5233
pledged receipts are sufficient in time and amount to meet debt 5234
service payable from pledged liquor profits and for the 5235
establishment and maintenance of any reserves and other 5236
requirements provided for in the bond proceedings. 5237

(G) Obligations may be further secured, as determined by the 5238
issuing authority, by a trust agreement between the state and a 5239
corporate trustee, which may be any trust company or bank having 5240
~~its principal~~ a place of business within the state. Any trust 5241

agreement may contain the resolution or order authorizing the 5242
issuance of the obligations, any provisions that may be contained 5243
in any bond proceedings, and other provisions that are customary 5244
or appropriate in an agreement of that type, including, but not 5245
limited to: 5246

(1) Maintenance of each pledge, trust agreement, or other 5247
instrument comprising part of the bond proceedings until the state 5248
has fully paid or provided for the payment of debt service on the 5249
obligations secured by it; 5250

(2) In the event of default in any payments required to be 5251
made by the bond proceedings, enforcement of those payments or 5252
agreements by mandamus, the appointment of a receiver, suit in 5253
equity, action at law, or any combination of them; 5254

(3) The rights and remedies of the holders or owners of 5255
obligations and of the trustee and provisions for protecting and 5256
enforcing them, including limitations on rights of individual 5257
holders and owners. 5258

(H) The obligations shall not be general obligations of the 5259
state and the full faith and credit, revenue, and taxing power of 5260
the state shall not be pledged to the payment of debt service on 5261
them. The holders or owners of the obligations shall have no right 5262
to have any moneys obligated or pledged for the payment of debt 5263
service except as provided in this section and in the applicable 5264
bond proceedings. The rights of the holders and owners to payment 5265
of debt service are limited to all or that portion of the pledged 5266
receipts, and those special funds, pledged to the payment of debt 5267
service pursuant to the bond proceedings in accordance with this 5268
section, and each obligation shall bear on its face a statement to 5269
that effect. 5270

Sec. 156.02. The director of administrative services may 5271
contract with ~~an energy services company, contractor, architect,~~ 5272

~~professional engineer, or other person experienced in the design~~ 5273
~~and implementation of energy conservation measures~~ the office of 5274
energy efficiency in the department of development for a report 5275
containing an analysis and recommendations pertaining to the 5276
implementation of energy conservation measures that would 5277
significantly reduce energy consumption and operating costs in any 5278
buildings owned by the state and, upon request of its board of 5279
trustees or managing authority, any building owned by an 5280
institution of higher education as defined in section 3345.12 of 5281
the Revised Code. The report shall include estimates of all costs 5282
of such measures, including the costs of design, engineering, 5283
installation, maintenance, repairs, and debt service, and 5284
estimates of the amounts by which energy consumption and operating 5285
costs would be reduced. 5286

Sec. 164.03. For the purpose of allocating the funds made 5287
available to finance public infrastructure capital improvement 5288
projects of local subdivisions through the issuance of general 5289
obligations of the state of Ohio pursuant to Section 2k ~~or~~, 2m, or 5290
2p of Article VIII, Ohio Constitution, the state is divided into 5291
the following districts: 5292

District one. Cuyahoga county shall constitute district one. 5293

District two. Hamilton county shall constitute district two. 5294

District three. Franklin county shall constitute district 5295
three. 5296

District four. Montgomery county shall constitute district 5297
four. 5298

District five. Defiance, Erie, Fulton, Henry, Ottawa, 5299
Paulding, Sandusky, Williams, and Wood counties shall constitute 5300
district five. 5301

District six. Mahoning and Trumbull counties shall constitute 5302

district six.	5303
District seven. Ashtabula, Geauga, Lake, and Portage counties shall constitute district seven.	5304 5305
District eight. Summit county shall constitute district eight.	5306 5307
District nine. Lorain, Huron, and Medina counties shall constitute district nine.	5308 5309
District ten. Butler, Clermont, Clinton, and Warren counties shall constitute district ten.	5310 5311
District eleven. Champaign, Clark, Darke, Greene, Madison, Miami, Preble, and Union counties shall constitute district eleven.	5312 5313 5314
District twelve. Lucas county shall constitute district twelve.	5315 5316
District thirteen. Allen, Auglaize, Hancock, Logan, Mercer, Putnam, Shelby, and Van Wert counties shall constitute district thirteen.	5317 5318 5319
District fourteen. Carroll, Columbiana, Coshocton, Guernsey, Harrison, Holmes, Jefferson, and Tuscarawas counties shall constitute district fourteen.	5320 5321 5322
District fifteen. Adams, Brown, Fayette, Gallia, Highland, Jackson, Lawrence, Pike, Ross, Scioto, and Vinton counties shall constitute district fifteen.	5323 5324 5325
District sixteen. Ashland, Crawford, Hardin, Marion, Richland, Seneca, Wayne, and Wyandot counties shall constitute district sixteen.	5326 5327 5328
District seventeen. Delaware, Fairfield, Knox, Licking, Morrow, and Pickaway counties shall constitute district seventeen.	5329 5330
District eighteen. Athens, Belmont, Hocking, Meigs, Monroe,	5331

Morgan, Muskingum, Noble, Perry, and Washington counties shall 5332
constitute district eighteen. 5333

District nineteen. Stark county shall constitute district 5334
nineteen. 5335

Sec. 164.08. (A) Except as provided in sections 151.01 and 5336
151.08 or section 164.09 of the Revised Code, the net proceeds of 5337
obligations issued and sold by the treasurer of state pursuant to 5338
section 164.09 of the Revised Code before September 30, 2000, or 5339
pursuant to sections 151.01 and 151.08 of the Revised Code, for 5340
the purpose of financing or assisting in the financing of the cost 5341
of public infrastructure capital improvement projects of local 5342
subdivisions, as provided for in Section ~~2k~~, 2m, or 2p of 5343
Article VIII, Ohio Constitution, and this chapter, shall be paid 5344
into the state capital improvements fund, which is hereby created 5345
in the state treasury. Investment earnings on moneys in the fund 5346
shall be credited to the fund. 5347

(B) Each program year the amount of obligations authorized by 5348
the general assembly in accordance with sections 151.01 and 151.08 5349
or section 164.09 of the Revised Code, excluding the proceeds of 5350
refunding or renewal obligations, shall be allocated by the 5351
director of the Ohio public works commission as follows: 5352

(1) First, twelve million dollars of the amount of 5353
obligations authorized shall be allocated to provide financial 5354
assistance to villages and to townships with populations in the 5355
unincorporated areas of the township of less than five thousand 5356
persons, for capital improvements in accordance with section 5357
164.051 and division (D) of section 164.06 of the Revised Code. As 5358
used in division (B)(1) of this section, "capital improvements" 5359
includes resurfacing and improving roads. 5360

(2) Following the allocation required by division (B)(1) of 5361
this section, the director may allocate two million five hundred 5362

thousand dollars of the authorized obligations to provide 5363
financial assistance to local subdivisions for capital improvement 5364
projects which in the judgment of the director of the Ohio public 5365
works commission are necessary for the immediate preservation of 5366
the health, safety, and welfare of the citizens of the local 5367
subdivision requesting assistance. 5368

(3) For the second, third, fourth, and fifth years that 5369
obligations are authorized and are available for allocation under 5370
this chapter, one million dollars shall be allocated to the sewer 5371
and water fund created in section 1525.11 of the Revised Code. 5372
Money from this allocation shall be transferred to that fund when 5373
needed to support specific payments from that fund. 5374

(4) For program years twelve and fourteen that obligations 5375
are authorized and available for allocation under this chapter, 5376
two million dollars each program year shall be allocated to the 5377
small county capital improvement program for use in providing 5378
financial assistance under division (F) of section 164.02 of the 5379
Revised Code. 5380

(5) After the allocation required by division (B)(3) of this 5381
section is made, the director shall determine the amount of the 5382
remaining obligations authorized to be issued and sold that each 5383
county would receive if such amounts were allocated on a per 5384
capita basis each year. If a county's per capita share for the 5385
year would be less than three hundred thousand dollars, the 5386
director shall allocate to the district in which that county is 5387
located an amount equal to the difference between three hundred 5388
thousand dollars and the county's per capita share. 5389

(6) After making the allocation required by division (B)(5) 5390
of this section, the director shall allocate the remaining amount 5391
to each district on a per capita basis. 5392

(C)(1) There is hereby created in the state treasury the 5393

state capital improvements revolving loan fund, into which shall 5394
be deposited all repayments of loans made to local subdivisions 5395
for capital improvements pursuant to this chapter. Investment 5396
earnings on moneys in the fund shall be credited to the fund. 5397

(2) There may also be deposited in the state capital 5398
improvements revolving loan fund moneys obtained from federal or 5399
private grants, or from other sources, which are to be used for 5400
any of the purposes authorized by this chapter. Such moneys shall 5401
be allocated each year in accordance with division (B)(6) of this 5402
section. 5403

(3) Moneys deposited into the state capital improvements 5404
revolving loan fund shall be used to make loans for the purpose of 5405
financing or assisting in the financing of the cost of capital 5406
improvement projects of local subdivisions. 5407

(4) Investment earnings credited to the state capital 5408
improvements revolving loan fund that exceed the amounts required 5409
to meet estimated federal arbitrage rebate requirements shall be 5410
used to pay costs incurred by the public works commission in 5411
administering this section. Investment earnings credited to the 5412
state capital improvements revolving loan fund that exceed the 5413
amounts required to pay for the administrative costs and estimated 5414
rebate requirements shall be allocated to each district on a per 5415
capita basis. 5416

(5) Each program year, loan repayments received and on 5417
deposit in the state capital improvements revolving loan fund 5418
shall be allocated as follows: 5419

(a) Each district public works integrating committee shall be 5420
allocated an amount equal to the sum of all loan repayments made 5421
to the state capital improvements revolving loan fund by local 5422
subdivisions that are part of the district. Moneys not used in a 5423
program year may be used in the next program year in the same 5424

manner and for the same purpose as originally allocated. 5425

(b) Loan repayments made pursuant to projects approved under 5426
division (B)(1) of this section shall be used to make loans in 5427
accordance with section 164.051 and division (D) of section 164.06 5428
of the Revised Code. Allocations for this purpose made pursuant to 5429
division (C)(5) of this section shall be in addition to the 5430
allocation provided in division (B)(1) of this section. 5431

(c) Loan repayments made pursuant to projects approved under 5432
division (B)(2) of this section shall be used to make loans in 5433
accordance with division (B)(2) of this section. Allocations for 5434
this purpose made pursuant to division (C)(5) of this section 5435
shall be in addition to the allocation provided in division (B)(2) 5436
of this section. 5437

(d) Loans made from the state capital improvements revolving 5438
loan fund shall not be limited in their usage by divisions (E), 5439
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 5440

(D) Investment earnings credited to the state capital 5441
improvements fund that exceed the amounts required to meet 5442
estimated federal arbitrage rebate requirements shall be used to 5443
pay costs incurred by the public works commission in administering 5444
sections 164.01 to 164.12 of the Revised Code. 5445

(E) The director of the Ohio public works commission shall 5446
notify the director of budget and management of the amounts 5447
allocated pursuant to this section and such information shall be 5448
entered into the state accounting system. The director of budget 5449
and management shall establish appropriation line items as needed 5450
to track these allocations. 5451

(F) If the amount of a district's allocation in a program 5452
year exceeds the amount of financial assistance approved for the 5453
district by the commission for that year, the remaining portion of 5454
the district's allocation shall be added to the district's 5455

allocation pursuant to division (B) of this section for the next 5456
succeeding year for use in the same manner and for the same 5457
purposes as it was originally allocated, except that any portion 5458
of a district's allocation which was available for use on new or 5459
expanded infrastructure pursuant to division (H) of section 164.05 5460
of the Revised Code shall be available in succeeding years only 5461
for the repair and replacement of existing infrastructure. 5462

(G) When an allocation based on population is made by the 5463
director pursuant to division (B) of this section, the director 5464
shall use the most recent decennial census statistics, and shall 5465
not make any reallocations based upon a change in a district's 5466
population. 5467

Sec. 164.09. (A) The issuer is authorized to issue and sell, 5468
as provided in this section and in amounts from time to time 5469
authorized by the general assembly, general obligations of this 5470
state for the purpose of financing or assisting in the financing 5471
of the costs of public infrastructure capital improvements for 5472
local subdivisions. The full faith and credit, revenues, and 5473
taxing power of the state are and shall be pledged to the timely 5474
payment of bond service charges on outstanding obligations, all in 5475
accordance with Section 2k or 2m of Article VIII, Ohio 5476
Constitution and sections 164.09 to 164.12 of the Revised Code, 5477
excluding from that pledge fees, excises, or taxes relating to the 5478
registration, operation, or use of vehicles on the public 5479
highways, or to fuels used for propelling those vehicles, and so 5480
long as such obligations are outstanding there shall be levied and 5481
collected excises and taxes, excluding those excepted above, in 5482
amounts sufficient to pay the bond service charges on such 5483
obligations and costs relating to credit facilities. 5484

(B)(1) The total principal amount of obligations issued 5485
pursuant to Section 2k of Article VIII, Ohio Constitution shall 5486

not exceed one billion two hundred million dollars, and not more 5487
than one hundred twenty million dollars in principal amount of 5488
obligations may be issued in any calendar year, all determined as 5489
provided in sections 164.09 to 164.12 of the Revised Code. 5490

(2) The total principal amount of obligations issued for the 5491
purposes of this section pursuant to Section 2m of Article VIII, 5492
Ohio Constitution, shall not exceed one billion two hundred 5493
million dollars. Not more than one hundred twenty million dollars 5494
in principal amount of such obligations, plus the principal amount 5495
of such obligations that in any prior fiscal years could have been 5496
but were not issued within the one-hundred-twenty-million-dollar 5497
fiscal year limit, may be issued in any fiscal year. No 5498
obligations shall be issued for the purposes of this section 5499
pursuant to Section 2m of Article VIII, Ohio Constitution, until 5500
at least one billion one hundred ninety-nine million five hundred 5501
thousand dollars aggregate principal amount of obligations have 5502
been issued pursuant to Section 2k of Article VIII, Ohio 5503
Constitution. The amounts specified under division (B)(2) of this 5504
section shall be determined as provided in sections 164.09 to 5505
164.12 of the Revised Code. 5506

(C) Each issue of obligations shall be authorized by order of 5507
the issuer. The bond proceedings shall provide for the principal 5508
amount or maximum principal amount of obligations of an issue, and 5509
shall provide for or authorize the manner or agency for 5510
determining the principal maturity or maturities, not exceeding 5511
the earlier of thirty years from the date of issuance of the 5512
particular obligations or thirty years from the date the debt 5513
represented by the particular obligations was originally 5514
contracted, the interest rate or rates, the date of and the dates 5515
of payment of interest on the obligations, their denominations, 5516
and the establishment within or without the state of a place or 5517
places of payment of bond service charges. Sections 9.96 and 9.98 5518

to 9.983 of the Revised Code are applicable to the obligations. 5519
The purpose of the obligations may be stated in the bond 5520
proceedings as "financing or assisting in the financing of local 5521
subdivisions capital improvement projects." 5522

(D) The proceeds of the obligations, except for any portion 5523
to be deposited in special funds, or in escrow funds for the 5524
purpose of refunding outstanding obligations, all as may be 5525
provided in the bond proceedings, shall be deposited to the state 5526
capital improvements fund established by section 164.08 of the 5527
Revised Code. 5528

(E) The issuer may appoint paying agents, bond registrars, 5529
securities depositories, and transfer agents, and may retain the 5530
services of financial advisers and accounting experts, and retain 5531
or contract for the services of marketing, remarketing, indexing, 5532
and administrative agents, other consultants, and independent 5533
contractors, including printing services, as are necessary in the 5534
issuer's judgment to carry out sections 164.01 to 164.12 of the 5535
Revised Code. Financing costs are payable, as provided in the bond 5536
proceedings, from the proceeds of the obligations, from special 5537
funds, or from other moneys available for the purpose. 5538

(F) The bond proceedings, including any trust agreement, may 5539
contain additional provisions customary or appropriate to the 5540
financing or to the obligations or to particular obligations, 5541
including but not limited to: 5542

(1) The redemption of obligations prior to maturity at the 5543
option of the state or of the holder or upon the occurrence of 5544
certain conditions at such price or prices and under such terms 5545
and conditions as are provided in the bond proceedings; 5546

(2) The form of and other terms of the obligations; 5547

(3) The establishment, deposit, investment, and application 5548
of special funds, and the safeguarding of moneys on hand or on 5549

deposit, without regard to Chapter 131. or 135. of the Revised 5550
Code, but subject to any special provisions of this section with 5551
respect to particular funds or moneys, and provided that any bank 5552
or trust company that acts as a depository of any moneys in 5553
special funds may furnish such indemnifying bonds or may pledge 5554
such securities as required by the issuer; 5555

(4) Any or every provision of the bond proceedings binding 5556
upon the issuer and such state agency or local subdivision, 5557
officer, board, commission, authority, agency, department, or 5558
other person or body as may from time to time have the authority 5559
under law to take such actions as may be necessary to perform all 5560
or any part of the duty required by such provision; 5561

(5) The maintenance of each pledge, any trust agreement, or 5562
other instrument comprising part of the bond proceedings until the 5563
state has fully paid or provided for the payment of the bond 5564
service charges on the obligations or met other stated conditions; 5565

(6) In the event of default in any payments required to be 5566
made by the bond proceedings, or any other agreement of the issuer 5567
made as a part of a contract under which the obligations were 5568
issued or secured, the enforcement of such payments or agreements 5569
by mandamus, suit in equity, action at law, or any combination of 5570
the foregoing; 5571

(7) The rights and remedies of the holders of obligations and 5572
of the trustee under any trust agreement, and provisions for 5573
protecting and enforcing them, including limitations on rights of 5574
individual holders of obligations; 5575

(8) The replacement of any obligations that become mutilated 5576
or are destroyed, lost, or stolen; 5577

(9) Provision for the funding, refunding, or advance 5578
refunding or other provision for payment of obligations which will 5579
then no longer be outstanding for purposes of this section or of 5580

the bond proceedings; 5581

(10) Any provision that may be made in bond proceedings or a 5582
trust agreement, including provision for amendment of the bond 5583
proceedings; 5584

(11) Such other provisions as the issuer determines, 5585
including limitations, conditions, or qualifications relating to 5586
any of the foregoing; 5587

(12) Any other or additional agreements with the holders of 5588
the obligations relating to the obligations or the security for 5589
the obligations. 5590

(G) The great seal of the state or a facsimile of that seal 5591
may be affixed to or printed on the obligations. The obligations 5592
requiring signature by the issuer shall be signed by or bear the 5593
facsimile signature of the issuer as provided in the bond 5594
proceedings. Any obligations may be signed by the person who, on 5595
the date of execution, is the authorized signer although on the 5596
date of such obligations such person was not the issuer. In case 5597
the person whose signature or a facsimile of whose signature 5598
appears on any obligation ceases to be the issuer before delivery 5599
of the obligation, such signature or facsimile is nevertheless 5600
valid and sufficient for all purposes as if the person had 5601
remained the member until such delivery, and in case the seal to 5602
be affixed to or printed on obligations has been changed after the 5603
seal has been affixed to or a facsimile of the seal has been 5604
printed on the obligations, that seal or facsimile seal shall 5605
continue to be sufficient as to those obligations and obligations 5606
issued in substitution or exchange therefor. 5607

(H) The obligations are negotiable instruments and securities 5608
under Chapter 1308. of the Revised Code, subject to the provisions 5609
of the bond proceedings as to registration. Obligations may be 5610
issued in coupon or in fully registered form, or both, as the 5611

issuer determines. Provision may be made for the registration of 5612
any obligations with coupons attached as to principal alone or as 5613
to both principal and interest, their exchange for obligations so 5614
registered, and for the conversion or reconversion into 5615
obligations with coupons attached of any obligations registered as 5616
to both principal and interest, and for reasonable charges for 5617
such registration, exchange, conversion, and reconversion. Pending 5618
preparation of definitive obligations, the issuer may issue 5619
interim receipts or certificates which shall be exchanged for such 5620
definitive obligations. 5621

(I) Obligations may be sold at public sale or at private 5622
sale, and at such price at, above, or below par, as determined by 5623
the issuer in the bond proceedings. 5624

(J) In the discretion of the issuer, obligations may be 5625
secured additionally by a trust agreement between the state and a 5626
corporate trustee which may be any trust company or bank having 5627
~~its principal~~ a place of business within the state. Any trust 5628
agreement may contain the order authorizing the issuance of the 5629
obligations, any provisions that may be contained in the bond 5630
proceedings, and other provisions that are customary or 5631
appropriate in an agreement of the type. 5632

(K) Except to the extent that their rights are restricted by 5633
the bond proceedings, any holder of obligations, or a trustee 5634
under the bond proceedings, may by any suitable form of legal 5635
proceedings protect and enforce any rights under the laws of this 5636
state or granted by the bond proceedings. Such rights include the 5637
right to compel the performance of all duties of the issuer and 5638
the state. Each duty of the issuer and the issuer's employees, and 5639
of each state agency and local public entity and its officers, 5640
members, or employees, undertaken pursuant to the bond 5641
proceedings, is hereby established as a duty of the issuer, and of 5642
each such agency, local subdivision, officer, member, or employee 5643

having authority to perform such duty, specifically enjoined by 5644
the law and resulting from an office, trust, or station within the 5645
meaning of section 2731.01 of the Revised Code. The persons who 5646
are at the time the issuer, or the issuer's employees, are not 5647
liable in their personal capacities on any obligations or any 5648
agreements of or with the issuer relating to obligations or under 5649
the bond proceedings. 5650

(L) Obligations are lawful investments for banks, societies 5651
for savings, savings and loan associations, deposit guarantee 5652
associations, trust companies, trustees, fiduciaries, insurance 5653
companies, including domestic for life and domestic not for life, 5654
trustees or other officers having charge of sinking and bond 5655
retirement or other special funds of political subdivisions and 5656
taxing districts of this state, the commissioners of the sinking 5657
fund, the administrator of workers' compensation, the state 5658
teachers retirement system, the public employees retirement 5659
system, the school employees retirement system, and the Ohio 5660
police and fire pension fund, notwithstanding any other provisions 5661
of the Revised Code or rules adopted pursuant thereto by any state 5662
agency with respect to investments by them, and are also 5663
acceptable as security for the deposit of public moneys. 5664

(M) Unless otherwise provided in any applicable bond 5665
proceedings, moneys to the credit of or in the special funds 5666
established by or pursuant to this section may be invested by or 5667
on behalf of the issuer only in notes, bonds, or other direct 5668
obligations of the United States or of any agency or 5669
instrumentality of the United States, in obligations of this state 5670
or any political subdivision of this state, in certificates of 5671
deposit of any national bank located in this state and any bank, 5672
as defined in section 1101.01 of the Revised Code, subject to 5673
inspection by the superintendent of financial institutions, in the 5674
Ohio subdivision's fund established pursuant to section 135.45 of 5675

the Revised Code, in no-front-end-load money market mutual funds 5676
consisting exclusively of direct obligations of the United States 5677
or of an agency or instrumentality of the United States, and in 5678
repurchase agreements, including those issued by any fiduciary, 5679
secured by direct obligations of the United States or an agency or 5680
instrumentality of the United States, and in collective investment 5681
funds established in accordance with section 1111.14 of the 5682
Revised Code and consisting exclusively of direct obligations of 5683
the United States or of an agency or instrumentality of the United 5684
States, notwithstanding division (A)(1)(c) of that section. The 5685
income from investments shall be credited to such special funds or 5686
otherwise as the issuer determines in the bond proceedings, and 5687
the investments may be sold or exchanged at such times as the 5688
issuer determines or authorizes. 5689

(N) Unless otherwise provided in any applicable bond 5690
proceedings, moneys to the credit of or in a special fund shall be 5691
disbursed on the order of the issuer, provided that no such order 5692
is required for the payment from the bond service fund or other 5693
special fund when due of bond service charges or required payments 5694
under credit facilities. 5695

(O) The issuer may covenant in the bond proceedings, and any 5696
such covenants shall be controlling notwithstanding any other 5697
provision of law, that the state and the applicable officers and 5698
agencies of the state, including the general assembly, so long as 5699
any obligations are outstanding in accordance with their terms, 5700
shall maintain statutory authority for and cause to be charged and 5701
collected taxes, excises, and other receipts of the state so that 5702
the receipts to the bond service fund shall be sufficient in 5703
amounts to meet bond service charges and for the establishment and 5704
maintenance of any reserves and other requirements, including 5705
payment of financing costs, provided for in the bond proceedings. 5706

(P) The obligations, and the transfer of, and the interest 5707

and other income from, including any profit made on the sale, 5708
transfer, or other disposition of, the obligations shall at all 5709
times be free from taxation, direct or indirect, within the state. 5710

(Q) Unless a judicial action or proceeding challenging the 5711
validity of obligations is commenced by personal service on the 5712
treasurer of state prior to the initial delivery of an issue of 5713
the obligations, the obligations of that issue and the bond 5714
proceedings pertaining to that issue are incontestable and those 5715
obligations shall be conclusively considered to be and to have 5716
been issued, secured, payable, sold, executed, and delivered, and 5717
the bond proceedings relating to them taken, in conformity with 5718
law if all of the following apply to the obligations: 5719

(1) They state that they are issued under the provisions of 5720
this section and comply on their face with those provisions; 5721

(2) They are issued within the limitations prescribed by this 5722
section; 5723

(3) Their purchase price has been paid in full; 5724

(4) They state that all the bond proceedings were held in 5725
compliance with law, which statement creates a conclusive 5726
presumption that the bond proceedings were held in compliance with 5727
all laws, including section 121.22 of the Revised Code, where 5728
applicable, and rules. 5729

(R) This section applies only with respect to obligations 5730
issued and delivered before September 30, 2000. 5731

Sec. 166.08. (A) As used in this chapter: 5732

(1) "Bond proceedings" means the resolution, order, trust 5733
agreement, indenture, lease, and other agreements, amendments and 5734
supplements to the foregoing, or any one or more or combination 5735
thereof, authorizing or providing for the terms and conditions 5736
applicable to, or providing for the security or liquidity of, 5737

obligations issued pursuant to this section, and the provisions 5738
contained in such obligations. 5739

(2) "Bond service charges" means principal, including 5740
mandatory sinking fund requirements for retirement of obligations, 5741
and interest, and redemption premium, if any, required to be paid 5742
by the state on obligations. 5743

(3) "Bond service fund" means the applicable fund and 5744
accounts therein created for and pledged to the payment of bond 5745
service charges, which may be, or may be part of, the economic 5746
development bond service fund created by division (S) of this 5747
section including all moneys and investments, and earnings from 5748
investments, credited and to be credited thereto. 5749

(4) "Issuing authority" means the treasurer of state, or the 5750
officer who by law performs the functions of such officer. 5751

(5) "Obligations" means bonds, notes, or other evidence of 5752
obligation including interest coupons pertaining thereto, issued 5753
pursuant to this section. 5754

(6) "Pledged receipts" means all receipts of the state 5755
representing the gross profit on the sale of spirituous liquor, as 5756
referred to in division (B)(4) of section 4301.10 of the Revised 5757
Code, after paying all costs and expenses of the division of 5758
liquor control and providing an adequate working capital reserve 5759
for the division of liquor control as provided in that division, 5760
but excluding the sum required by the second paragraph of section 5761
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 5762
paid into the state treasury; moneys accruing to the state from 5763
the lease, sale, or other disposition, or use, of project 5764
facilities, and from the repayment, including interest, of loans 5765
made from proceeds received from the sale of obligations; accrued 5766
interest received from the sale of obligations; income from the 5767
investment of the special funds; and any gifts, grants, donations, 5768

and pledges, and receipts therefrom, available for the payment of 5769
bond service charges. 5770

(7) "Special funds" or "funds" means, except where the 5771
context does not permit, the bond service fund, and any other 5772
funds, including reserve funds, created under the bond 5773
proceedings, and the economic development bond service fund 5774
created by division (S) of this section to the extent provided in 5775
the bond proceedings, including all moneys and investments, and 5776
earnings from investment, credited and to be credited thereto. 5777

(B) Subject to the limitations provided in section 166.11 of 5778
the Revised Code, the issuing authority, upon the certification by 5779
the director of development to the issuing authority of the amount 5780
of moneys or additional moneys needed in the facilities 5781
establishment fund, the loan guarantee fund, the innovation Ohio 5782
loan fund, the innovation Ohio loan guarantee fund, or the 5783
research and development loan fund for the purpose of paying, or 5784
making loans for, allowable costs from the facilities 5785
establishment fund, allowable innovation costs from the innovation 5786
Ohio loan fund, or allowable costs from the research and 5787
development loan fund, or needed for capitalized interest, for 5788
funding reserves, and for paying costs and expenses incurred in 5789
connection with the issuance, carrying, securing, paying, 5790
redeeming, or retirement of the obligations or any obligations 5791
refunded thereby, including payment of costs and expenses relating 5792
to letters of credit, lines of credit, insurance, put agreements, 5793
standby purchase agreements, indexing, marketing, remarketing and 5794
administrative arrangements, interest swap or hedging agreements, 5795
and any other credit enhancement, liquidity, remarketing, renewal, 5796
or refunding arrangements, all of which are authorized by this 5797
section, or providing moneys for the loan guarantee fund or the 5798
innovation Ohio loan guarantee fund, as provided in this chapter 5799
or needed for the purposes of funds established in accordance with 5800

or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 5801
122.561, 122.57, and 122.80 of the Revised Code which are within 5802
the authorization of Section 13 of Article VIII, Ohio 5803
Constitution, shall issue obligations of the state under this 5804
section in the required amount; provided that such obligations may 5805
be issued to satisfy the covenants in contracts of guarantee made 5806
under section 166.06 or 166.15 of the Revised Code, 5807
notwithstanding limitations otherwise applicable to the issuance 5808
of obligations under this section. The proceeds of such 5809
obligations, except for the portion to be deposited in special 5810
funds, including reserve funds, as may be provided in the bond 5811
proceedings, shall as provided in the bond proceedings be 5812
deposited by the director of development to the facilities 5813
establishment fund, the loan guarantee fund, the innovation Ohio 5814
loan guarantee fund, the innovation Ohio loan fund, or the 5815
research and development loan fund. Bond proceedings for project 5816
financing obligations may provide that the proceeds derived from 5817
the issuance of such obligations shall be deposited into such fund 5818
or funds provided for in the bond proceedings and, to the extent 5819
provided for in the bond proceedings, such proceeds shall be 5820
deemed to have been deposited into the facilities establishment 5821
fund and transferred to such fund or funds. The issuing authority 5822
may appoint trustees, paying agents, and transfer agents and may 5823
retain the services of financial advisors, accounting experts, and 5824
attorneys, and retain or contract for the services of marketing, 5825
remarketing, indexing, and administrative agents, other 5826
consultants, and independent contractors, including printing 5827
services, as are necessary in the issuing authority's judgment to 5828
carry out this section. The costs of such services are allowable 5829
costs payable from the facilities establishment fund or the 5830
research and development loan fund or allowable innovation costs 5831
payable from the innovation Ohio loan fund. 5832

(C) The holders or owners of such obligations shall have no 5833

right to have moneys raised by taxation obligated or pledged, and 5834
moneys raised by taxation shall not be obligated or pledged, for 5835
the payment of bond service charges. Such holders or owners shall 5836
have no rights to payment of bond service charges from any moneys 5837
accruing to the state from the lease, sale, or other disposition, 5838
or use, of project facilities, or from payment of the principal of 5839
or interest on loans made, or fees charged for guarantees made, or 5840
from any money or property received by the director, treasurer of 5841
state, or the state under Chapter 122. of the Revised Code, or 5842
from any other use of the proceeds of the sale of the obligations, 5843
and no such moneys may be used for the payment of bond service 5844
charges, except for accrued interest, capitalized interest, and 5845
reserves funded from proceeds received upon the sale of the 5846
obligations and except as otherwise expressly provided in the 5847
applicable bond proceedings pursuant to written directions by the 5848
director. The right of such holders and owners to payment of bond 5849
service charges is limited to all or that portion of the pledged 5850
receipts and those special funds pledged thereto pursuant to the 5851
bond proceedings in accordance with this section, and each such 5852
obligation shall bear on its face a statement to that effect. 5853

(D) Obligations shall be authorized by resolution or order of 5854
the issuing authority and the bond proceedings shall provide for 5855
the purpose thereof and the principal amount or amounts, and shall 5856
provide for or authorize the manner or agency for determining the 5857
principal maturity or maturities, not exceeding twenty-five years 5858
from the date of issuance, the interest rate or rates or the 5859
maximum interest rate, the date of the obligations and the dates 5860
of payment of interest thereon, their denomination, and the 5861
establishment within or without the state of a place or places of 5862
payment of bond service charges. Sections 9.98 to 9.983 of the 5863
Revised Code are applicable to obligations issued under this 5864
section, subject to any applicable limitation under section 166.11 5865
of the Revised Code. The purpose of such obligations may be stated 5866

in the bond proceedings in terms describing the general purpose or 5867
purposes to be served. The bond proceedings also shall provide, 5868
subject to the provisions of any other applicable bond 5869
proceedings, for the pledge of all, or such part as the issuing 5870
authority may determine, of the pledged receipts and the 5871
applicable special fund or funds to the payment of bond service 5872
charges, which pledges may be made either prior or subordinate to 5873
other expenses, claims, or payments, and may be made to secure the 5874
obligations on a parity with obligations theretofore or thereafter 5875
issued, if and to the extent provided in the bond proceedings. The 5876
pledged receipts and special funds so pledged and thereafter 5877
received by the state are immediately subject to the lien of such 5878
pledge without any physical delivery thereof or further act, and 5879
the lien of any such pledges is valid and binding against all 5880
parties having claims of any kind against the state or any 5881
governmental agency of the state, irrespective of whether such 5882
parties have notice thereof, and shall create a perfected security 5883
interest for all purposes of Chapter 1309. of the Revised Code, 5884
without the necessity for separation or delivery of funds or for 5885
the filing or recording of the bond proceedings by which such 5886
pledge is created or any certificate, statement or other document 5887
with respect thereto; and the pledge of such pledged receipts and 5888
special funds is effective and the money therefrom and thereof may 5889
be applied to the purposes for which pledged without necessity for 5890
any act of appropriation. Every pledge, and every covenant and 5891
agreement made with respect thereto, made in the bond proceedings 5892
may therein be extended to the benefit of the owners and holders 5893
of obligations authorized by this section, and to any trustee 5894
therefor, for the further security of the payment of the bond 5895
service charges. 5896

(E) The bond proceedings may contain additional provisions as 5897
to: 5898

(1) The redemption of obligations prior to maturity at the option of the issuing authority at such price or prices and under such terms and conditions as are provided in the bond proceedings;	5899 5900 5901
(2) Other terms of the obligations;	5902
(3) Limitations on the issuance of additional obligations;	5903
(4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;	5904 5905
(5) The deposit, investment and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this chapter, with respect to particular funds or moneys, provided that any bank or trust company which acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;	5906 5907 5908 5909 5910 5911 5912 5913
(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;	5914 5915 5916 5917 5918
(7) Any provision that may be made in a trust agreement or indenture;	5919 5920
(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 section 122.43, 166.07, or 166.16 of the Revised Code.	5921 5922 5923 5924 5925
(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be	5926 5927 5928

signed or bear the facsimile signature of the issuing authority. 5929
Any obligations or coupons may be executed by the person who, on 5930
the date of execution, is the proper issuing authority although on 5931
the date of such bonds or coupons such person was not the issuing 5932
authority. If the issuing authority whose signature or a facsimile 5933
of whose signature appears on any such obligation or coupon ceases 5934
to be the issuing authority before delivery thereof, such 5935
signature or facsimile is nevertheless valid and sufficient for 5936
all purposes as if the former issuing authority had remained the 5937
issuing authority until such delivery; and if the seal to be 5938
affixed to obligations has been changed after a facsimile of the 5939
seal has been imprinted on such obligations, such facsimile seal 5940
shall continue to be sufficient as to such obligations and 5941
obligations issued in substitution or exchange therefor. 5942

(G) All obligations are negotiable instruments and securities 5943
under Chapter 1308. of the Revised Code, subject to the provisions 5944
of the bond proceedings as to registration. The obligations may be 5945
issued in coupon or in registered form, or both, as the issuing 5946
authority determines. Provision may be made for the registration 5947
of any obligations with coupons attached thereto as to principal 5948
alone or as to both principal and interest, their exchange for 5949
obligations so registered, and for the conversion or reconversion 5950
into obligations with coupons attached thereto of any obligations 5951
registered as to both principal and interest, and for reasonable 5952
charges for such registration, exchange, conversion, and 5953
reconversion. 5954

(H) Obligations may be sold at public sale or at private 5955
sale, as determined in the bond proceedings. 5956

Obligations issued to provide moneys for the loan guarantee 5957
fund or the innovation Ohio loan guarantee fund may, as determined 5958
by the issuing authority, be sold at private sale, and without 5959
publication of a notice of sale. 5960

(I) Pending preparation of definitive obligations, the 5961
issuing authority may issue interim receipts or certificates which 5962
shall be exchanged for such definitive obligations. 5963

(J) In the discretion of the issuing authority, obligations 5964
may be secured additionally by a trust agreement or indenture 5965
between the issuing authority and a corporate trustee which may be 5966
any trust company or bank having ~~its principal~~ a place of business 5967
within the state. Any such agreement or indenture may contain the 5968
resolution or order authorizing the issuance of the obligations, 5969
any provisions that may be contained in any bond proceedings, and 5970
other provisions which are customary or appropriate in an 5971
agreement or indenture of such type, including, but not limited 5972
to: 5973

(1) Maintenance of each pledge, trust agreement, indenture, 5974
or other instrument comprising part of the bond proceedings until 5975
the state has fully paid the bond service charges on the 5976
obligations secured thereby, or provision therefor has been made; 5977

(2) In the event of default in any payments required to be 5978
made by the bond proceedings, or any other agreement of the 5979
issuing authority made as a part of the contract under which the 5980
obligations were issued, enforcement of such payments or agreement 5981
by mandamus, the appointment of a receiver, suit in equity, action 5982
at law, or any combination of the foregoing; 5983

(3) The rights and remedies of the holders of obligations and 5984
of the trustee, and provisions for protecting and enforcing them, 5985
including limitations on rights of individual holders of 5986
obligations; 5987

(4) The replacement of any obligations that become mutilated 5988
or are destroyed, lost, or stolen; 5989

(5) Such other provisions as the trustee and the issuing 5990
authority agree upon, including limitations, conditions, or 5991

qualifications relating to any of the foregoing. 5992

(K) Any holders of obligations or trustees under the bond 5993
proceedings, except to the extent that their rights are restricted 5994
by the bond proceedings, may by any suitable form of legal 5995
proceedings, protect and enforce any rights under the laws of this 5996
state or granted by such bond proceedings. Such rights include the 5997
right to compel the performance of all duties of the issuing 5998
authority, the director of development, or the division of liquor 5999
control required by this chapter or the bond proceedings; to 6000
enjoin unlawful activities; and in the event of default with 6001
respect to the payment of any bond service charges on any 6002
obligations or in the performance of any covenant or agreement on 6003
the part of the issuing authority, the director of development, or 6004
the division of liquor control in the bond proceedings, to apply 6005
to a court having jurisdiction of the cause to appoint a receiver 6006
to receive and administer the pledged receipts and special funds, 6007
other than those in the custody of the treasurer of state, which 6008
are pledged to the payment of the bond service charges on such 6009
obligations or which are the subject of the covenant or agreement, 6010
with full power to pay, and to provide for payment of bond service 6011
charges on, such obligations, and with such powers, subject to the 6012
direction of the court, as are accorded receivers in general 6013
equity cases, excluding any power to pledge additional revenues or 6014
receipts or other income or moneys of the issuing authority or the 6015
state or governmental agencies of the state to the payment of such 6016
principal and interest and excluding the power to take possession 6017
of, mortgage, or cause the sale or otherwise dispose of any 6018
project facilities. 6019

Each duty of the issuing authority and the issuing 6020
authority's officers and employees, and of each governmental 6021
agency and its officers, members, or employees, undertaken 6022
pursuant to the bond proceedings or any agreement or lease, 6023

lease-purchase agreement, or loan made under authority of this 6024
chapter, and in every agreement by or with the issuing authority, 6025
is hereby established as a duty of the issuing authority, and of 6026
each such officer, member, or employee having authority to perform 6027
such duty, specifically enjoined by the law resulting from an 6028
office, trust, or station within the meaning of section 2731.01 of 6029
the Revised Code. 6030

The person who is at the time the issuing authority, or the 6031
issuing authority's officers or employees, are not liable in their 6032
personal capacities on any obligations issued by the issuing 6033
authority or any agreements of or with the issuing authority. 6034

(L) The issuing authority may authorize and issue obligations 6035
for the refunding, including funding and retirement, and advance 6036
refunding with or without payment or redemption prior to maturity, 6037
of any obligations previously issued by the issuing authority. 6038
Such obligations may be issued in amounts sufficient for payment 6039
of the principal amount of the prior obligations, any redemption 6040
premiums thereon, principal maturities of any such obligations 6041
maturing prior to the redemption of the remaining obligations on a 6042
parity therewith, interest accrued or to accrue to the maturity 6043
dates or dates of redemption of such obligations, and any 6044
allowable costs including expenses incurred or to be incurred in 6045
connection with such issuance and such refunding, funding, and 6046
retirement. Subject to the bond proceedings therefor, the portion 6047
of proceeds of the sale of obligations issued under this division 6048
to be applied to bond service charges on the prior obligations 6049
shall be credited to an appropriate account held by the trustee 6050
for such prior or new obligations or to the appropriate account in 6051
the bond service fund for such obligations. Obligations authorized 6052
under this division shall be deemed to be issued for those 6053
purposes for which such prior obligations were issued and are 6054
subject to the provisions of this section pertaining to other 6055

obligations, except as otherwise provided in this section; 6056
provided that, unless otherwise authorized by the general 6057
assembly, any limitations imposed by the general assembly pursuant 6058
to this section with respect to bond service charges applicable to 6059
the prior obligations shall be applicable to the obligations 6060
issued under this division to refund, fund, advance refund or 6061
retire such prior obligations. 6062

(M) The authority to issue obligations under this section 6063
includes authority to issue obligations in the form of bond 6064
anticipation notes and to renew the same from time to time by the 6065
issuance of new notes. The holders of such notes or interest 6066
coupons pertaining thereto shall have a right to be paid solely 6067
from the pledged receipts and special funds that may be pledged to 6068
the payment of the bonds anticipated, or from the proceeds of such 6069
bonds or renewal notes, or both, as the issuing authority provides 6070
in the resolution or order authorizing such notes. Such notes may 6071
be additionally secured by covenants of the issuing authority to 6072
the effect that the issuing authority and the state will do such 6073
or all things necessary for the issuance of such bonds or renewal 6074
notes in appropriate amount, and apply the proceeds thereof to the 6075
extent necessary, to make full payment of the principal of and 6076
interest on such notes at the time or times contemplated, as 6077
provided in such resolution or order. For such purpose, the 6078
issuing authority may issue bonds or renewal notes in such 6079
principal amount and upon such terms as may be necessary to 6080
provide funds to pay when required the principal of and interest 6081
on such notes, notwithstanding any limitations prescribed by or 6082
for purposes of this section. Subject to this division, all 6083
provisions for and references to obligations in this section are 6084
applicable to notes authorized under this division. 6085

The issuing authority in the bond proceedings authorizing the 6086
issuance of bond anticipation notes shall set forth for such bonds 6087

an estimated interest rate and a schedule of principal payments 6088
for such bonds and the annual maturity dates thereof, and for 6089
purposes of any limitation on bond service charges prescribed 6090
under division (A) of section 166.11 of the Revised Code, the 6091
amount of bond service charges on such bond anticipation notes is 6092
deemed to be the bond service charges for the bonds anticipated 6093
thereby as set forth in the bond proceedings applicable to such 6094
notes, but this provision does not modify any authority in this 6095
section to pledge receipts and special funds to, and covenant to 6096
issue bonds to fund, the payment of principal of and interest and 6097
any premium on such notes. 6098

(N) Obligations issued under this section are lawful 6099
investments for banks, societies for savings, savings and loan 6100
associations, deposit guarantee associations, trust companies, 6101
trustees, fiduciaries, insurance companies, including domestic for 6102
life and domestic not for life, trustees or other officers having 6103
charge of sinking and bond retirement or other special funds of 6104
political subdivisions and taxing districts of this state, the 6105
commissioners of the sinking fund of the state, the administrator 6106
of workers' compensation, the state teachers retirement system, 6107
the public employees retirement system, the school employees 6108
retirement system, and the Ohio police and fire pension fund, 6109
notwithstanding any other provisions of the Revised Code or rules 6110
adopted pursuant thereto by any governmental agency of the state 6111
with respect to investments by them, and are also acceptable as 6112
security for the deposit of public moneys. 6113

(O) Unless otherwise provided in any applicable bond 6114
proceedings, moneys to the credit of or in the special funds 6115
established by or pursuant to this section may be invested by or 6116
on behalf of the issuing authority only in notes, bonds, or other 6117
obligations of the United States, or of any agency or 6118
instrumentality of the United States, obligations guaranteed as to 6119

principal and interest by the United States, obligations of this 6120
state or any political subdivision of this state, and certificates 6121
of deposit of any national bank located in this state and any 6122
bank, as defined in section 1101.01 of the Revised Code, subject 6123
to inspection by the superintendent of banks. If the law or the 6124
instrument creating a trust pursuant to division (J) of this 6125
section expressly permits investment in direct obligations of the 6126
United States or an agency of the United States, unless expressly 6127
prohibited by the instrument, such moneys also may be invested in 6128
no-front-end-load money market mutual funds consisting exclusively 6129
of obligations of the United States or an agency of the United 6130
States and in repurchase agreements, including those issued by the 6131
fiduciary itself, secured by obligations of the United States or 6132
an agency of the United States; and in common trust funds 6133
established in accordance with section 1111.20 of the Revised Code 6134
and consisting exclusively of any such securities, notwithstanding 6135
division (A)(4) of that section. The income from such investments 6136
shall be credited to such funds as the issuing authority 6137
determines, and such investments may be sold at such times as the 6138
issuing authority determines or authorizes. 6139

(P) Provision may be made in the applicable bond proceedings 6140
for the establishment of separate accounts in the bond service 6141
fund and for the application of such accounts only to the 6142
specified bond service charges on obligations pertinent to such 6143
accounts and bond service fund and for other accounts therein 6144
within the general purposes of such fund. Unless otherwise 6145
provided in any applicable bond proceedings, moneys to the credit 6146
of or in the several special funds established pursuant to this 6147
section shall be disbursed on the order of the treasurer of state, 6148
provided that no such order is required for the payment from the 6149
bond service fund when due of bond service charges on obligations. 6150

(Q) The issuing authority may pledge all, or such portion as 6151

the issuing authority determines, of the pledged receipts to the 6152
payment of bond service charges on obligations issued under this 6153
section, and for the establishment and maintenance of any 6154
reserves, as provided in the bond proceedings, and make other 6155
provisions therein with respect to pledged receipts as authorized 6156
by this chapter, which provisions are controlling notwithstanding 6157
any other provisions of law pertaining thereto. 6158

(R) The issuing authority may covenant in the bond 6159
proceedings, and any such covenants are controlling 6160
notwithstanding any other provision of law, that the state and 6161
applicable officers and governmental agencies of the state, 6162
including the general assembly, so long as any obligations are 6163
outstanding, shall: 6164

(1) Maintain statutory authority for and cause to be charged 6165
and collected wholesale and retail prices for spirituous liquor 6166
sold by the state or its agents so that the pledged receipts are 6167
sufficient in amount to meet bond service charges, and the 6168
establishment and maintenance of any reserves and other 6169
requirements provided for in the bond proceedings, and, as 6170
necessary, to meet covenants contained in contracts of guarantee 6171
made under section 166.06 of the Revised Code; 6172

(2) Take or permit no action, by statute or otherwise, that 6173
would impair the exemption from federal income taxation of the 6174
interest on the obligations. 6175

(S) There is hereby created the economic development bond 6176
service fund, which shall be in the custody of the treasurer of 6177
state but shall be separate and apart from and not a part of the 6178
state treasury. All moneys received by or on account of the 6179
issuing authority or state agencies and required by the applicable 6180
bond proceedings, consistent with this section, to be deposited, 6181
transferred, or credited to a bond service fund or the economic 6182
development bond service fund, and all other moneys transferred or 6183

allocated to or received for the purposes of the fund, shall be 6184
deposited and credited to such fund and to any separate accounts 6185
therein, subject to applicable provisions of the bond proceedings, 6186
but without necessity for any act of appropriation. During the 6187
period beginning with the date of the first issuance of 6188
obligations and continuing during such time as any such 6189
obligations are outstanding, and so long as moneys in the 6190
pertinent bond service funds are insufficient to pay all bond 6191
services charges on such obligations becoming due in each year, a 6192
sufficient amount of the gross profit on the sale of spirituous 6193
liquor included in pledged receipts are committed and shall be 6194
paid to the bond service fund or economic development bond service 6195
fund in each year for the purpose of paying the bond service 6196
charges becoming due in that year without necessity for further 6197
act of appropriation for such purpose and notwithstanding anything 6198
to the contrary in Chapter 4301. of the Revised Code. The economic 6199
development bond service fund is a trust fund and is hereby 6200
pledged to the payment of bond service charges to the extent 6201
provided in the applicable bond proceedings, and payment thereof 6202
from such fund shall be made or provided for by the treasurer of 6203
state in accordance with such bond proceedings without necessity 6204
for any act of appropriation. 6205

(T) The obligations, the transfer thereof, and the income 6206
therefrom, including any profit made on the sale thereof, shall at 6207
all times be free from taxation within the state. 6208

Sec. 173.04. (A) As used in this section, "respite care" 6209
means short-term, temporary care or supervision provided to a 6210
person who has Alzheimer's disease in the absence of the person 6211
who normally provides that care or supervision. 6212

(B) ~~The~~ Through the internet web site maintained by the 6213
department of aging, the director of aging shall develop and 6214

disseminate ~~new training materials or disseminate existing~~ 6215
Alzheimer's disease training materials for licensed physicians, 6216
registered nurses, licensed practical nurses, administrators of 6217
health care programs, social workers, and other health care and 6218
social service personnel who participate or assist in the care or 6219
treatment of persons who have Alzheimer's disease. The training 6220
materials disseminated through the web site may be developed by 6221
the director or obtained from other sources. 6222

(C) To the extent funds are available, the director shall 6223
administer respite care programs and other supportive services for 6224
persons who have Alzheimer's disease and their families or care 6225
givers. Respite care programs shall be approved by the director 6226
and shall be provided for the following purposes: 6227

(1) Giving persons who normally provide care or supervision 6228
for a person who has Alzheimer's disease relief from the stresses 6229
and responsibilities that result from providing such care; 6230

(2) Preventing or reducing inappropriate institutional care 6231
and enabling persons who have Alzheimer's disease to remain at 6232
home as long as possible. 6233

(D) The director may provide services under this section to 6234
persons with Alzheimer's disease and their families regardless of 6235
the age of the persons with Alzheimer's disease. 6236

(E) The director shall adopt rules in accordance with Chapter 6237
119. of the Revised Code governing respite care programs and other 6238
supportive services, the distribution of funds, and the purpose 6239
for which funds may be utilized under this section. 6240

(F) The director may create an Alzheimer's disease and 6241
related disorders task force to advise the director on the 6242
following: 6243

(1) The rights of persons with Alzheimer's disease ~~and on the~~ 6244
and related disorders; 6245

(2) The development and evaluation of education and training programs, home care programs, and respite care programs, and long-term care initiatives as they relate to that serve persons with Alzheimer's disease and related disorders;

(3) How to serve persons with Alzheimer's disease and related disorders in Ohio's unified long-term care budget system. If

If a task force is created, the members shall include representatives of the Alzheimer's disease association and other organizations the director considers appropriate.

Sec. 173.35. (A) As used in this section, "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program created under section 173.40 of the Revised Code.

(B) The department of aging shall administer the residential state supplement program under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state supplement payments shall be used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients who the department determines are at risk of needing institutional care.

(C) For an individual to be eligible for residential state supplement payments, all of the following must be the case:

(1) Except as provided by division (G) of this section, the individual must reside in one of the following:

(a) An adult foster home certified under section 173.36 of the Revised Code;

(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 6276
health under Chapter 3721. or 3722. of the Revised Code and 6277
certified in accordance with standards established by the director 6278
of aging under division (D)(2) of this section; 6279

(c) A community alternative home licensed under section 6280
3724.03 of the Revised Code and certified in accordance with 6281
standards established by the director of aging under division 6282
(D)(2) of this section; 6283

(d) A residential facility as defined in division 6284
(A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by 6285
the department of mental health and certified in accordance with 6286
standards established by the director of aging under division 6287
(D)(2) of this section; 6288

(e) An apartment or room used to provide community mental 6289
health housing services certified by the department of mental 6290
health under section 5119.611 of the Revised Code and approved by 6291
a board of alcohol, drug addiction, and mental health services 6292
under division (A)(14) of section 340.03 of the Revised Code and 6293
certified in accordance with standards established by the director 6294
of aging under division (D)(2) of this section. 6295

(2) Effective July 1, 2000, a PASSPORT administrative agency 6296
must have determined that the environment in which the individual 6297
will be living while receiving the payments is appropriate for the 6298
individual's needs. If the individual is eligible for supplemental 6299
security income payments or social security disability insurance 6300
benefits because of a mental disability, the PASSPORT 6301
administrative agency shall refer the individual to a community 6302
mental health agency for the community mental health agency to 6303
issue in accordance with section 340.091 of the Revised Code a 6304
recommendation on whether the PASSPORT administrative agency 6305
should determine that the environment in which the individual will 6306
be living while receiving the payments is appropriate for the 6307

individual's needs. Division (C)(2) of this section does not apply 6308
to an individual receiving residential state supplement payments 6309
on June 30, 2000, until the individual's first eligibility 6310
redetermination after that date. 6311

(3) The individual satisfies all eligibility requirements 6312
established by rules adopted under division (D) of this section. 6313

(D)(1) The directors of aging and job and family services 6314
shall adopt rules in accordance with section 111.15 of the Revised 6315
Code as necessary to implement the residential state supplement 6316
program. 6317

To the extent permitted by Title XVI of the "Social Security 6318
Act," and any other provision of federal law, the director of job 6319
and family services shall adopt rules establishing standards for 6320
adjusting the eligibility requirements concerning the level of 6321
impairment a person must have so that the amount appropriated for 6322
the program by the general assembly is adequate for the number of 6323
eligible individuals. The rules shall not limit the eligibility of 6324
disabled persons solely on a basis classifying disabilities as 6325
physical or mental. The director of job and family services also 6326
shall adopt rules that establish eligibility standards for aged, 6327
blind, or disabled individuals who reside in one of the homes or 6328
facilities specified in division (C)(1) of this section but who, 6329
because of their income, do not receive supplemental security 6330
income payments. The rules may provide that these individuals may 6331
include individuals who receive other types of benefits, 6332
including, social security disability insurance benefits provided 6333
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 6334
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 6335
section, such payments may be made if funds are available for 6336
them. 6337

The director of aging shall adopt rules establishing the 6338
method to be used to determine the amount an eligible individual 6339

will receive under the program. The amount the general assembly
appropriates for the program shall be a factor included in the
method that department establishes.

(2) The director of aging shall adopt rules in accordance
with Chapter 119. of the Revised Code establishing standards for
certification of living facilities described in division (C)(1) of
this section.

The directors of aging and mental health shall enter into an
agreement to certify facilities that apply for certification and
meet the standards established by the director of aging under this
division.

(E) The county department of job and family services of the
county in which an applicant for the residential state supplement
program resides shall determine whether the applicant meets income
and resource requirements for the program.

(F) The department of aging shall maintain a waiting list of
any individuals eligible for payments under this section but not
receiving them because moneys appropriated to the department for
the purposes of this section are insufficient to make payments to
all eligible individuals. An individual may apply to be placed on
the waiting list even though the individual does not reside in one
of the homes or facilities specified in division (C)(1) of this
section at the time of application. The individuals on the waiting
list who reside in a community setting not required to be licensed
or certified shall have their eligibility for the payments
assessed before other individuals on the waiting list.

The director of aging, by rules adopted in accordance with
Chapter 119. of the Revised Code, shall specify procedures and
requirements for placing an individual on the waiting list.
~~Individuals on the waiting list who reside in a community setting
not required to be licensed or certified shall have their~~

~~eligibility for the payments assessed before other individuals on
the waiting list.~~ 6371
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The director may adopt rules giving priority to individuals
placed on the waiting list on or after July 1, 2006, who receive
supplemental security income benefits under Title XVI of the
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as
amended. The rules shall not affect the place on the waiting list
of any person who was on the list on July 1, 2006. 6373
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(G) An individual in a licensed or certified living 6379
arrangement receiving state supplementation on November 15, 1990, 6380
under former section 5101.531 of the Revised Code shall not become 6381
ineligible for payments under this section solely by reason of the 6382
individual's living arrangement as long as the individual remains 6383
in the living arrangement in which the individual resided on 6384
November 15, 1990. 6385

(H) The department of aging shall notify each person denied 6386
approval for payments under this section of the person's right to 6387
a hearing. On request, the hearing shall be provided by the 6388
department of job and family services in accordance with section 6389
5101.35 of the Revised Code. 6390

Sec. 173.351. (A) As used in this section: 6391

"Area agency on aging" has the same meaning as in section 6392
173.14 of the Revised Code. 6393

"Long-term care consultation program" means the program the 6394
department of aging is required to develop under section 173.42 of 6395
the Revised Code. 6396

"Long-term care consultation program administrator" or 6397
"administrator" means the department of aging or, if the 6398
department contracts with an area agency on aging or other entity 6399
to administer the long-term care consultation program for a 6400

particular area, that agency or entity. 6401

"Nursing facility" has the same meaning as in section 5111.20
of the Revised Code. 6402
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"Residential state supplement program" means the program
administered pursuant to section 173.35 of the Revised Code. 6404
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(B) Each month, each area agency on aging shall determine
whether individuals who reside in the area that the area agency on
aging serves and are on a waiting list for the residential state
supplement program have been admitted to a nursing facility. If an
area agency on aging determines that such an individual has been
admitted to a nursing facility, the agency shall notify the
long-term care consultation program administrator serving the area
in which the individual resides about the determination. The
administrator shall determine whether the residential state
supplement program is appropriate for the individual and whether
the individual would rather participate in the program than
continue residing in the nursing facility. If the administrator
determines that the residential state supplement program is
appropriate for the individual and the individual would rather
participate in the 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 individual's enrollment in
the residential state supplement program regardless of the
program's waiting list and even though the enrollment causes
enrollment in the program to exceed the limit that would otherwise
apply. Each quarter, the department of aging shall certify to the
director of budget and management the estimated increase in costs
of the residential state supplement program resulting from
enrollment of individuals in the program pursuant to this section. 6406
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(C) Not later than the last day of each calendar year, the
director of aging shall submit to the general assembly a report 6431
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regarding the number of individuals enrolled in the residential 6433
state supplement program pursuant to this section and the costs 6434
incurred and savings achieved as a result of the enrollments. 6435

Sec. 173.401. (A) As used in this section: 6436

"Area agency on aging" has the same meaning as in section 6437
173.14 of the Revised Code. 6438

"Long-term care consultation program" means the program the 6439
department of aging is required to develop under section 173.42 of 6440
the Revised Code. 6441

"Long-term care consultation program administrator" or 6442
"administrator" means the department of aging or, if the 6443
department contracts with an area agency on aging or other entity 6444
to administer the long-term care consultation program for a 6445
particular area, that agency or entity. 6446

"Nursing facility" has the same meaning as in section 5111.20 6447
of the Revised Code. 6448

"PASSPORT program" means the program created under section 6449
173.40 of the Revised Code. 6450

"PASSPORT waiver" means the federal medicaid waiver granted 6451
by the United States secretary of health and human services that 6452
authorizes the PASSPORT program. 6453

(B) The director of job and family services shall submit to 6454
the United States secretary of health and human services an 6455
amendment to the PASSPORT waiver that authorizes additional 6456
enrollments in the PASSPORT program pursuant to this section. 6457
Beginning with the month following the month in which the United 6458
States secretary approves the amendment and each month thereafter, 6459
each area agency on aging shall determine whether individuals who 6460
reside in the area that the area agency on aging serves and are on 6461
a waiting list for the PASSPORT program have been admitted to a 6462

nursing facility. If an area agency on aging determines that such 6463
an individual has been admitted to a nursing facility, the agency 6464
shall notify the long-term care consultation program administrator 6465
serving the area in which the individual resides about the 6466
determination. The administrator shall determine whether the 6467
PASSPORT program is appropriate for the individual and whether the 6468
individual would rather participate in the PASSPORT program than 6469
continue residing in the nursing facility. If the administrator 6470
determines that the PASSPORT program is appropriate for the 6471
individual and the individual would rather participate in the 6472
PASSPORT program than continue residing in the nursing facility, 6473
the administrator shall so notify the department of aging. On 6474
receipt of the notice from the administrator, the department of 6475
aging shall approve the individual's enrollment in the PASSPORT 6476
program regardless of the PASSPORT program's waiting list and even 6477
though the enrollment causes enrollment in the program to exceed 6478
the limit that would otherwise apply. Each quarter, the department 6479
of aging shall certify to the director of budget and management 6480
the estimated increase in costs of the PASSPORT program resulting 6481
from enrollment of individuals in the PASSPORT program pursuant to 6482
this section. 6483

(C) Not later than the last day of each calendar year, the 6484
director of job and family services shall submit to the general 6485
assembly a report regarding the number of individuals enrolled in 6486
the PASSPORT program pursuant to this section and the costs 6487
incurred and savings achieved as a result of the enrollments. 6488

Sec. 173.85. (A) The Ohio's best Rx program fund is hereby 6489
created. ~~The fund shall be in the custody of the treasurer of~~ 6490
~~state, but shall not be part of the state treasury.~~ The fund shall 6491
consist of the following: 6492

(1) Manufacturer payments made by participating manufacturers 6493

pursuant to agreements entered into under section 173.81 of the Revised Code; 6494
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(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; 6496
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(3) Any amounts donated to the fund and accepted by the department; 6499
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(4) The fund's investment earnings. 6501

(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. 6502
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Sec. 173.86. (A) The Ohio's best Rx administration fund is hereby created in the state treasury. The ~~treasurer of state~~ director of budget and management shall transfer from the Ohio's best Rx program fund to the Ohio's best Rx administration fund amounts equal to the following: 6506
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(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; 6511
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(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; 6515
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(3) The amount of any donations credited to the Ohio's best Rx program fund; 6519
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(4) The amount of investment earnings credited to the Ohio's best Rx program fund. 6521
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The ~~treasurer of state~~ director of budget and management 6523
shall make the transfers in accordance with a schedule developed 6524
by the ~~treasurer of state~~ director and the department of aging. 6525

(B) The department of aging shall use money in the Ohio's 6526
best Rx administration fund to pay the administrative costs of the 6527
Ohio's best Rx program, including, but not limited to, costs 6528
associated with contracted services, staff, outreach activities, 6529
computers and network services, and the Ohio's best Rx program 6530
council. If the fund includes an amount that exceeds the amount 6531
necessary to pay the administrative costs of the program, the 6532
department may use the excess amount to pay the cost of subsidies 6533
provided to Ohio's best Rx program participants under any subsidy 6534
program established pursuant to section 173.861 of the Revised 6535
Code. 6536

Sec. 174.03. (A) The department of development and the Ohio 6537
housing finance agency shall each develop programs under which, in 6538
accordance with rules adopted under this section, they may make 6539
grants, loans, loan guarantees, and loan subsidies to counties, 6540
municipal corporations, townships, local housing authorities, and 6541
nonprofit organizations and may make loans, loan guarantees, and 6542
loan subsidies to private developers and private lenders to assist 6543
in activities that provide housing and housing assistance for 6544
specifically targeted low- and moderate-income families and 6545
individuals. There is no minimum housing project size for awards 6546
under this division for any project that is developed for a 6547
special needs population and that is supported by a social service 6548
agency where the housing project is located. Activities for which 6549
grants, loans, loan guarantees, and loan subsidies may be made 6550
under this section include all of the following: 6551

(1) Acquiring, financing, constructing, leasing, 6552
rehabilitating, remodeling, improving, and equipping publicly or 6553

privately owned housing; 6554

(2) Providing supportive services related to housing and the 6555
homeless, including housing counseling. Not more than twenty per 6556
cent of the current year appropriation authority for the low- and 6557
moderate-income housing trust fund that remains after the award of 6558
funds made pursuant to divisions (A)(1), (A)(2), and (A)(3) of 6559
section 174.02 of the Revised Code, shall be awarded in any fiscal 6560
year for supportive services. 6561

(3) Providing rental assistance payments or other project 6562
operating subsidies that lower tenant rents. 6563

(B) Activities listed under division (A) of this section may 6564
include emergency shelter care programs for unaccompanied youth 6565
seventeen years of age and younger. 6566

(C) Grants, loans, loan guarantees, and loan subsidies may be 6567
made to counties, municipal corporations, townships, and nonprofit 6568
organizations for the additional purposes of providing technical 6569
assistance, design and finance services and consultation, and 6570
payment of pre-development and administrative costs related to any 6571
of the activities listed above. 6572

~~(C)~~(D) In developing programs under this section, the 6573
department and the agency shall invite, accept, and consider 6574
public comment, and recommendations from the housing trust fund 6575
advisory committee created under section 174.06 of the Revised 6576
Code, on how the programs should be designed to most effectively 6577
benefit low- and moderate-income families and individuals. The 6578
programs developed under this section shall respond collectively 6579
to housing and housing assistance needs of low- and 6580
moderate-income families and individuals statewide. 6581

~~(D)~~(E) The department and the agency, in accordance with 6582
Chapter 119. of the Revised Code, shall each adopt rules to 6583
administer programs developed under this section. The rules shall 6584

prescribe procedures and forms that counties, municipal 6585
corporations, townships, local housing authorities, and nonprofit 6586
organizations shall use in applying for grants, loans, loan 6587
guarantees, and loan subsidies and that private developers and 6588
private lenders shall use in applying for loans, loan guarantees, 6589
and loan subsidies; eligibility criteria for the receipt of funds; 6590
procedures for reviewing and granting or denying applications; 6591
procedures for paying out funds; conditions on the use of funds; 6592
procedures for monitoring the use of funds; and procedures under 6593
which a recipient shall be required to repay funds that are 6594
improperly used. The rules shall do both of the following: 6595

(1) Require each recipient of a grant or loan made from the 6596
low- and moderate-income housing trust fund for activities that 6597
provide, or assist in providing, a rental housing project, to 6598
reasonably ensure that the rental housing project will remain 6599
affordable to those families and individuals targeted for the 6600
rental housing project for the useful life of the rental housing 6601
project or for thirty years, whichever is longer; 6602

(2) Require each recipient of a grant or loan made from the 6603
low- and moderate-income housing trust fund for activities that 6604
provide, or assist in providing, a housing project to prepare and 6605
implement a plan to reasonably assist any families and individuals 6606
displaced by the housing project in obtaining decent affordable 6607
housing. 6608

~~(E)~~(F) In prescribing eligibility criteria and conditions for 6609
the use of funds, neither the department nor the agency is limited 6610
to the criteria and conditions specified in this section and each 6611
may prescribe additional eligibility criteria and conditions that 6612
relate to the purposes for which grants, loans, loan guarantees, 6613
and loan subsidies may be made. However, the department and agency 6614
are limited by the following specifically targeted low- and 6615
moderate-income guidelines: 6616

(1) Not less than seventy-five per cent of the money granted 6617
and loaned under this section in any fiscal year shall be for 6618
activities that provide affordable housing and housing assistance 6619
to families and individuals whose incomes are equal to or less 6620
than fifty per cent of the median income for the county in which 6621
they live, as determined by the department under section 174.04 of 6622
the Revised Code. 6623

(2) Any money granted and loaned under this section in any 6624
fiscal year that is not granted or loaned pursuant to division 6625
~~(E)~~(F)(1) of this section shall be for activities that provide 6626
affordable housing and housing assistance to families and 6627
individuals whose incomes are equal to or less than eighty per 6628
cent of the median income for the county in which they live, as 6629
determined by the department under section 174.04 of the Revised 6630
Code. 6631

~~(F)~~(G) In making grants, loans, loan guarantees, and loan 6632
subsidies under this section, the department and the agency shall 6633
give preference to viable projects and activities that benefit 6634
those families and individuals whose incomes are equal to or less 6635
than thirty-five per cent of the median income for the county in 6636
which they live, as determined by the department under section 6637
174.04 of the Revised Code. 6638

~~(G)~~(H) The department and the agency shall monitor the 6639
programs developed under this section to ensure that money granted 6640
and loaned under this section is not used in a manner that 6641
violates division (H) of section 4112.02 of the Revised Code or 6642
discriminates against families with children. 6643

Sec. 174.06. (A) There is hereby created the housing trust 6644
fund advisory committee. The committee consists of fourteen 6645
members the governor appoints as follows to represent 6646
organizations committed to housing and housing assistance for low- 6647

and moderate-income persons:	6648
(1) One member to represent lenders.	6649
(2) One member to represent for-profit builders and developers.	6650 6651
(3) One member to represent the families and individuals included in the income groups targeted for housing and housing assistance under divisions (E) and (F) <u>and (G)</u> of section 174.03 of the Revised Code.	6652 6653 6654 6655
(4) One member to represent religious, civic, or social service organizations.	6656 6657
(5) One member to represent counties.	6658
(6) One member to represent municipal corporations.	6659
(7) One member to represent townships.	6660
(8) One member to represent local housing authorities.	6661
(9) One member to represent fair housing organizations.	6662
(10) Three members to represent nonprofit organizations.	6663
(11) One member to represent real estate brokers licensed under Chapter 4735. of the Revised Code.	6664 6665
(12) One member to represent the for-profit rental housing industry.	6666 6667
(B)(1) Terms of office are for four years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the manner prescribed for the original appointment. A member appointed to fill a vacancy occurring prior to the expiration of a term shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration of a term until a successor takes	6668 6669 6670 6671 6672 6673 6674 6675 6676

office or until a period of sixty days has elapsed, whichever
occurs first. 6677
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(2) The governor may remove a member for misfeasance,
malfeasance, or willful neglect of duty. 6679
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(C)(1) The committee shall select a chairperson from among 6681
its members. The committee shall meet at least once each calendar 6682
year and upon the call of the chair. Members of the committee 6683
serve without compensation, but shall be reimbursed for reasonable 6684
and necessary expenses incurred in the discharge of duties. 6685

(2) The department of development shall provide the committee 6686
with a meeting place, supplies, and staff assistance as the 6687
committee requests. 6688

(D) The committee shall assist the department and the Ohio 6689
housing finance agency in defining housing needs and priorities, 6690
recommend to the department and agency at least annually how the 6691
programs developed under section 174.02 of the Revised Code should 6692
be designed to most effectively benefit low- and moderate-income 6693
persons, consider an allocation of funds for projects of fifteen 6694
units or less, and advise the director of development on whether 6695
and how to reallocate money in the low- and moderate-income 6696
housing trust fund under division (B) of section 174.02 of the 6697
Revised Code. 6698

Sec. 183.01. As used in this chapter: 6699

(A) "Tobacco master settlement agreement" means the 6700
settlement agreement (and related documents) entered into on 6701
November 23, 1998 by the state and leading United States tobacco 6702
product manufacturers. 6703

(B) ~~"Net amounts credited to the tobacco master settlement
agreement fund" means all amounts credited to the tobacco master
settlement agreement fund during a fiscal year, minus all amounts~~ 6704
6705
6706

~~required to be transferred under section 183.02 of the Revised Code to the education facilities trust fund, the education facilities endowment fund, and the income tax reduction fund during the fiscal year. In addition, in fiscal year 2000, "net amounts credited to the tobacco master settlement agreement fund" does not include amounts credited to the tobacco use prevention and cessation trust fund, law enforcement improvements trust fund, and southern Ohio agricultural and community development trust fund from the first payment received that year.~~

~~(C) "Southern Ohio" includes any county in this state where tobacco has traditionally been grown.~~

Sec. 183.021. (A) No money from the tobacco master settlement agreement fund, as that fund existed prior to the repeal of section 183.02 of the Revised Code by H.B. 119 of the 127th general assembly, shall be expended to do any of the following:

(1) Hire an executive agency lobbyist, as defined under section 121.60 of the Revised Code, or a legislative agent, as defined under section 101.70 of the Revised Code;

(2) Support or oppose candidates, ballot questions, referendums, or ballot initiatives.

(B) Nothing in this section prohibits any of the following from advocating on behalf of the specific objectives of a program funded under this chapter:

(1) The members of the board of trustees, executive director, or employees of the tobacco use prevention and control foundation;

(2) The members of the board of trustees, executive director, or employees of the southern Ohio agricultural and community development foundation;

(3) The members or employees of the third frontier commission

or the members of the third frontier advisory board. 6737

Sec. 183.17. The fiscal year of the southern Ohio 6738
agricultural and community development foundation shall be the 6739
same as the fiscal year of the state. 6740

Within ninety days after the end of each fiscal year, the 6741
foundation shall submit to the governor and the general assembly 6742
both of the following: 6743

(A) A report of the activities of the foundation during the 6744
preceding fiscal year. The report shall also contain an 6745
independent evaluation of the progress being made by the 6746
foundation in carrying out its duties. 6747

(B) A financial report of the foundation for the preceding 6748
year, which shall include both: 6749

(1) Information on the amount and percentage of overhead and 6750
administrative expenditures compared to programmatic expenditures; 6751

(2) An independent auditor's report on the basic financial 6752
statements and required supplementary information of the 6753
foundation. Such financial statements shall be prepared in 6754
conformity with generally accepted accounting principles 6755
prescribed for governmental entities. 6756

On or before July 1, 2010, the foundation shall report to the 6757
governor and the general assembly on the progress that the 6758
foundation has made in replacing the production of tobacco in 6759
southern Ohio with the production of other agricultural products 6760
and in mitigating the adverse economic impact of reduced tobacco 6761
production in the region. ~~If the foundation concludes that a need 6762
for additional funding still exists, the foundation may request 6763
that provision be made for a portion of the payments credited to 6764
the tobacco master settlement agreement fund to continue to be 6765
transferred to the southern Ohio agricultural and community 6766~~

~~development trust fund.~~ 6767

Sec. 183.33. No money shall be appropriated or transferred 6768
from the general revenue fund to the ~~tobacco master settlement~~ 6769
~~agreement fund~~, tobacco use prevention and cessation trust fund, 6770
tobacco use prevention and control endowment fund, law enforcement 6771
improvements trust fund, southern Ohio agricultural and community 6772
development trust fund, southern Ohio agricultural and community 6773
development foundation endowment fund, Ohio's public health 6774
priorities trust fund, biomedical research and technology transfer 6775
trust fund, education facilities trust fund, ~~education facilities~~ 6776
~~endowment fund~~, or education technology trust fund. In addition, 6777
no money shall be otherwise appropriated or transferred from the 6778
general revenue fund for the use of the tobacco use prevention and 6779
control foundation ~~or the southern Ohio agricultural and community~~ 6780
~~development foundation.~~ 6781

Sec. 183.34. There is hereby created in the state treasury 6782
the tobacco settlement oversight, administration, and enforcement 6783
fund, ~~to~~ which shall ~~be credited~~ consist of amounts transferred 6784
under division (I) of section 183.02 of the Revised Code prior to 6785
the repeal of that section by H.B. 119 of the 127th general 6786
assembly. The attorney general shall use the fund to pay costs 6787
incurred in the oversight, administration, and enforcement of the 6788
tobacco master settlement agreement. 6789

Sec. 183.35. There is hereby created in the state treasury 6790
the tobacco settlement enforcement fund, ~~to~~ which shall ~~be~~ 6791
~~credited~~ consist of amounts transferred under division (J) of 6792
section 183.02 of the Revised Code prior to the repeal of that 6793
section by H.B. 119 of the 127th general assembly. The tax 6794
commissioner shall use the fund to pay costs incurred in the 6795
enforcement of divisions (F) and (G) of section 5743.03 of the 6796

Revised Code. 6797

Sec. 183.51. (A) As used in this section and in the applicable bond proceedings unless otherwise provided: 6798
6799

(1) "Bond proceedings" means the resolutions, orders, indentures, purchase and sale and trust and other agreements including any amendments or supplements to them, and credit enhancement facilities, and amendments and supplements to them, or any one or more or combination of them, authorizing, awarding, or providing for the terms and conditions applicable to or providing for the security or liquidity of, the particular obligations, and the provisions contained in those obligations. 6800
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(2) "Bond service fund" means the bond service fund created in the bond proceedings for the obligations. 6808
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(3) "Capital facilities" means, as applicable, capital facilities or projects as referred to in section 151.03 or 151.04 of the Revised Code. 6810
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(4) "Consent decree" means the consent decree and final judgment entered November 25, 1998, in the court of common pleas of Franklin county, Ohio, as the same may be amended or supplemented from time to time. 6813
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(5) "Cost of capital facilities" has the same meaning as in section 151.01 of the Revised Code, as applicable. 6817
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(6) "Credit enhancement facilities," "financing costs," and "interest" or "interest equivalent" have the same meanings as in section 133.01 of the Revised Code. 6819
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6821

(7) "Debt service" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, interest equivalent, and any redemption premium, payable on obligations. If not prohibited by the applicable bond proceedings, "debt service" 6822
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may include costs relating to credit enhancement facilities that 6827
are related to and represent, or are intended to provide a source 6828
of payment of or limitation on, other debt service. 6829

(8) "Improvement fund" means, as applicable, the school 6830
building program assistance fund created in section 3318.25 of the 6831
Revised Code and the higher education improvement fund created in 6832
section 154.21 of the Revised Code. 6833

(9) "Issuing authority" means the buckeye tobacco settlement 6834
financing authority created in section 183.52 of the Revised Code. 6835

(10) "Net proceeds" means amounts received from the sale of 6836
obligations, excluding amounts used to refund or retire 6837
outstanding obligations, amounts required to be deposited into 6838
special funds pursuant to the applicable bond proceedings, and 6839
amounts to be used to pay financing costs. 6840

(11) "Obligations" means bonds, notes, or other evidences of 6841
obligation of the issuing authority, including any appertaining 6842
interest coupons, issued by the issuing authority under this 6843
section and Section 2i of Article VIII, Ohio Constitution, for the 6844
purpose of providing funds to the state, in exchange for the 6845
assignment and sale described in division (B) of this section, for 6846
the purpose of paying costs of capital facilities for: (a) housing 6847
branches and agencies of state government limited to facilities 6848
for a system of common schools throughout the state and (b) 6849
state-supported or state-assisted institutions of higher 6850
education. 6851

(12) "Pledged receipts" means, as and to the extent provided 6852
for in the applicable bond proceedings: 6853

(a) Pledged tobacco settlement receipts; 6854

(b) Accrued interest received from the sale of obligations; 6855

(c) Income from the investment of the special funds; 6856

(d) Additional or any other specific revenues or receipts lawfully available to be pledged, and pledged, pursuant to the bond proceedings, including but not limited to amounts received under credit enhancement facilities, to the payment of debt service.

(13) "Pledged tobacco settlement receipts" means all amounts received by the issuing authority pursuant to division (B) of this section.

(14) "Principal amount" means the aggregate of the amount as stated or provided for in the applicable bond proceedings as the amount on which interest or interest equivalent on particular obligations is initially calculated. "Principal amount" does not include any premium paid to the issuing authority by the initial purchaser of the obligations. "Principal amount" of a capital appreciation bond, as defined in division (C) of section 3334.01 of the Revised Code, means its original face amount and not its accreted value, and "principal amount" of a zero coupon bond, as defined in division (J) of section 3334.01 of the Revised Code, means the discounted offering price at which the bond is initially sold to the public, disregarding any purchase price discount to the original purchaser, if provided in or for pursuant to the bond proceedings.

(15) "Special funds" or "funds," unless the context indicates otherwise, means the bond service fund, and any other funds, including any reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including moneys and investments, and earnings from investments, credited and to be credited to the particular fund. "Special funds" does not include any improvement fund or investment earnings on amounts in any improvement fund, or other funds created by the bond proceedings that are not stated by those proceedings to be special funds.

(B) The state may assign and sell to the issuing authority, 6889
and the issuing authority may accept and purchase, all or a 6890
portion of the amounts to be received by the state under the 6891
tobacco master settlement agreement for a purchase price payable 6892
by the issuing authority to the state consisting of the net 6893
proceeds of obligations and any residual interest, if any. Any 6894
such assignment and sale shall be irrevocable in accordance with 6895
its terms during the period any obligations secured by amounts so 6896
assigned and sold are outstanding under the applicable bond 6897
proceedings, and shall constitute a contractual obligation to the 6898
holders or owners of those obligations. Any such assignment and 6899
sale shall also be treated as an absolute transfer and true sale 6900
for all purposes, and not as a pledge or other security interest. 6901
The characterization of any such assignment and sale as a true 6902
sale and absolute transfer shall not be negated or adversely 6903
affected by only a portion of the amounts to be received under the 6904
tobacco master settlement agreement being transferred, the 6905
acquisition or retention by the state of a residual interest, the 6906
participation of any state officer or employee as a member or 6907
officer of, or providing staff support to, the issuing authority, 6908
any responsibility of an officer or employee of the state for 6909
collecting the amounts to be received under the tobacco master 6910
settlement agreement or otherwise enforcing that agreement or 6911
retaining any legal title to or interest in any portion of the 6912
amounts to be received under that agreement for the purpose of 6913
these collection activities, any characterization of the issuing 6914
authority or its obligations for purposes of accounting, taxation, 6915
or securities regulation, or by any other factors whatsoever. A 6916
true sale shall exist under this section regardless of whether the 6917
issuing authority has any recourse against the state or any other 6918
term of the bond proceedings or the treatment or characterization 6919
of the transfer as a financing for any purpose. Upon and following 6920
the assignment and sale, the state shall not have any right, 6921

title, or interest in the portion of the receipts under the 6922
tobacco master settlement agreement so assigned and sold, other 6923
than any residual interest that may be described in the applicable 6924
bond proceedings for those obligations, and that portion, if any, 6925
shall be the property of the issuing authority and not of the 6926
state, and shall be paid directly to the issuing authority, and 6927
shall be owned, received, held, and disbursed by the issuing 6928
authority and not by the state. 6929

The state may covenant, pledge, and agree in the bond 6930
proceedings, with and for the benefit of the issuing authority, 6931
the holders and owners of obligations, and providers of any credit 6932
enhancement facilities, that it shall: (1) maintain statutory 6933
authority for, and cause to be collected and paid directly to the 6934
issuing authority or its assignee, the pledged receipts, (2) 6935
enforce the rights of the issuing authority to receive the 6936
receipts under the tobacco master settlement agreement assigned 6937
and sold to the issuing authority, (3) not limit or alter the 6938
rights of the issuing authority to fulfill the terms of its 6939
agreements with the holders or owners of obligations outstanding 6940
under the bond proceedings, (4) not in any way impair the rights 6941
and remedies of the holders or owners of obligations outstanding 6942
under the bond proceedings or impair the security for those 6943
obligations, (5) enforce Chapter 1346. of the Revised Code, the 6944
tobacco master settlement agreement, and the consent decree to 6945
effectuate the collection of the pledged tobacco settlement 6946
receipts, and (6) not agree to any amendment of the tobacco master 6947
settlement agreement that materially and adversely affects the 6948
issuing authority's ability to receive the portion of the receipts 6949
under the tobacco master settlement agreement assigned and sold to 6950
the issuing authority. 6951

The bond proceedings may also include such other covenants, 6952
pledges, and agreements by the state to protect and safeguard the 6953

security and rights of the holders and owners of the obligations, 6954
and of the providers of any credit enhancement facilities, 6955
including, without limiting the generality of the foregoing, any 6956
covenant, pledge, or agreement customary in transactions involving 6957
the issuance of securities the debt service on which is payable 6958
from or secured by amounts received under the tobacco master 6959
settlement agreement. Notwithstanding any other provision of law, 6960
any covenant, pledge, and agreement of the state, if and when made 6961
in the bond proceedings, shall be controlling and binding upon, 6962
and enforceable against the state in accordance with its terms for 6963
so long as any obligations are outstanding under the applicable 6964
bond proceedings. The bond proceedings may also include 6965
limitations on the remedies available to the issuing authority, 6966
the holders and owners of the obligations, and the providers of 6967
any credit enhancement facilities, including, without limiting the 6968
generality of the foregoing, a provision that those remedies may 6969
be limited to injunctive relief in circumstances where there has 6970
been no prior determination by a court of competent jurisdiction 6971
that the state has not enforced Chapter 1346. of the Revised Code, 6972
the tobacco master settlement agreement, or the consent decree as 6973
may have been covenanted or agreed in the bond proceedings under 6974
division (B)(5) of this section. 6975

Nothing in this section or the bond proceedings shall 6976
preclude or limit, or be construed to preclude or limit, the state 6977
from regulating or authorizing or permitting the regulation of 6978
smoking or from taxing and regulating the sale of cigarettes or 6979
other tobacco products, or from defending or prosecuting cases or 6980
other actions relating to the sale or use of cigarettes or other 6981
tobacco products. Except as otherwise may be agreed in writing by 6982
the attorney general, nothing in this section or the bond 6983
proceedings shall modify or limit, or be construed to modify or 6984
limit, the responsibility, power, judgment, and discretion of the 6985
attorney general to protect and discharge the duties, rights, and 6986

obligations of the state under the tobacco master settlement 6987
agreement, the consent decree, or Chapter 1346. of the Revised 6988
Code. 6989

The governor and the director of budget and management, in 6990
consultation with the attorney general, on behalf of the state, 6991
and any member or officer of the issuing authority as authorized 6992
by that issuing authority, on behalf of the issuing authority, may 6993
take any action and execute any documents, including any purchase 6994
and sale agreements, necessary to effect the assignment and sale 6995
and the acceptance of the assignment and title to the receipts 6996
including, providing irrevocable direction to the escrow agent 6997
acting under the tobacco master settlement agreement to transfer 6998
directly to the issuing authority the amounts to be received under 6999
that agreement that are subject to such assignment and sale. Any 7000
purchase and sale agreement or other bond proceedings may contain 7001
the terms and conditions established by the state and the issuing 7002
authority to carry out and effectuate the purposes of this 7003
section, including, without limitation, covenants binding the 7004
state in favor of the issuing authority and its assignees and the 7005
owners of the obligations. Any such purchase and sale agreement 7006
shall be sufficient to effectuate such purchase and sale without 7007
regard to any other laws governing other property sales or 7008
financial transactions by the state. 7009

Not later than two years following the date on which there 7010
are no longer any obligations outstanding under the bond 7011
proceedings, all assets of the issuing authority shall vest in the 7012
state, the issuing authority shall execute any necessary 7013
assignments or instruments, including any assignment of any right, 7014
title, or ownership to the state for receipt of amounts under the 7015
tobacco master settlement agreement, and the issuing authority 7016
shall be dissolved. 7017

(C) The issuing authority is authorized to issue and to sell 7018

obligations as provided in this section. The aggregate principal 7019
amount of obligations issued under this section shall not exceed 7020
six billion dollars, exclusive of obligations issued under 7021
division (M)(1) of this section to refund, renew, or advance 7022
refund other obligations issued or incurred. At least seventy-five 7023
per cent of the aggregate net proceeds of the obligations issued 7024
under the authority of this section, exclusive of obligations 7025
issued to refund, renew, or advance refund other obligations, 7026
shall be paid to the state for deposit into the school building 7027
program assistance fund created in section 3318.25 of the Revised 7028
Code. 7029

(D) Each issue of obligations shall be authorized by 7030
resolution or order of the issuing authority. The bond proceedings 7031
shall provide for or authorize the manner for determining the 7032
principal amount or maximum principal amount of obligations of an 7033
issue, the principal maturity or maturities, the interest rate or 7034
rates, the date of and the dates of payment of interest on the 7035
obligations, their denominations, and the place or places of 7036
payment of debt service which may be within or outside the state. 7037
Unless otherwise provided by law, the latest principal maturity 7038
may not be later than the earlier of the thirty-first day of 7039
December of the fiftieth calendar year after the year of issuance 7040
of the particular obligations or of the fiftieth calendar year 7041
after the year in which the original obligation to pay was issued 7042
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 7043
the Revised Code apply to the obligations. 7044

The purpose of the obligations may be stated in the bond 7045
proceedings in general terms, such as, as applicable, "paying 7046
costs of capital facilities for a system of common schools" and 7047
"paying costs of facilities for state-supported and state-assisted 7048
institutions of higher education." Unless otherwise provided in 7049
the bond proceedings or in division (C) of this section, the net 7050

proceeds from the issuance of the obligations shall be paid to the 7051
state for deposit into the applicable improvement fund. 7052
Notwithstanding division (B)(4) of section 3318.38 of the Revised 7053
Code, net proceeds of obligations deposited into the school 7054
building program assistance fund created in section 3318.25 of the 7055
Revised Code may be used to pay basic project costs under section 7056
3318.38 of the Revised Code at the times determined by the Ohio 7057
school facilities commission without regard to whether those 7058
expenditures are in proportion to the state's and the school 7059
district's respective shares of that basic project cost; provided 7060
that this shall not result in any change in the state or school 7061
district shares of the basic project costs provided under Chapter 7062
3318. of the Revised Code. As used in the preceding sentence, 7063
"Ohio school facilities commission" and "basic project costs" have 7064
the same meanings as in section 3318.01 of the Revised Code. 7065

(E) The issuing authority may, without need for any other 7066
approval, appoint or provide for the appointment of paying agents, 7067
bond registrars, securities depositories, credit enhancement 7068
providers or counterparties, clearing corporations, and transfer 7069
agents, and retain or contract for the services of underwriters, 7070
investment bankers, financial advisers, accounting experts, 7071
marketing, remarketing, indexing, and administrative agents, other 7072
consultants, and independent contractors, including printing 7073
services, as are necessary in the judgment of the issuing 7074
authority to carry out the issuing authority's functions under 7075
this section and section 183.52 of the Revised Code. The attorney 7076
general as counsel to the issuing authority shall represent the 7077
authority in the execution of its powers and duties, and shall 7078
institute and prosecute all actions on its behalf. The issuing 7079
authority, in consultation with the attorney general, shall select 7080
counsel, and the attorney general shall appoint the counsel 7081
selected, for the purposes of carrying out the functions under 7082
this section and related sections of the Revised Code. Financing 7083

costs are payable, as may be provided in the bond proceedings, 7084
from the proceeds of the obligations, from special funds, or from 7085
other moneys available for the purpose, including as to future 7086
financing costs, from the pledged receipts. 7087

(F) The issuing authority may irrevocably pledge and assign 7088
all, or such portion as the issuing authority determines, of the 7089
pledged receipts to the payment of the debt service charges on 7090
obligations issued under this section, and for the establishment 7091
and maintenance of any reserves, as provided in the bond 7092
proceedings, and make other provisions in the bond proceedings 7093
with respect to pledged receipts as authorized by this section, 7094
which provisions are controlling notwithstanding any other 7095
provisions of law pertaining to them. Any and all pledged receipts 7096
received by the issuing authority and required by the bond 7097
proceedings, consistent with this section, to be deposited, 7098
transferred, or credited to the bond service fund, and all other 7099
money transferred or allocated to or received for the purposes of 7100
that fund, shall be deposited and credited to the bond service 7101
fund created in the bond proceedings for the obligations, subject 7102
to any applicable provisions of those bond proceedings, but 7103
without necessity for any act of appropriation. Those pledged 7104
receipts shall immediately be subject to the lien of that pledge 7105
without any physical delivery thereof or further act, and shall 7106
not be subject to other court judgments. The lien of the pledge of 7107
those pledged receipts shall be valid and binding against all 7108
parties having claims of any kind against the issuing authority, 7109
irrespective of whether those parties have notice thereof. The 7110
pledge shall create a perfected security interest for all purposes 7111
of Chapter 1309. of the Revised Code and a perfected lien for 7112
purposes of any other interest, all without the necessity for 7113
separation or delivery of funds or for the filing or recording of 7114
the applicable bond proceedings by which that pledge is created or 7115
any certificate, statement, or other document with respect 7116

thereto. The pledge of the pledged receipts shall be effective and 7117
the money therefrom and thereof may be applied to the purposes for 7118
which pledged. 7119

(G) Obligations may be further secured, as determined by the 7120
issuing authority, by an indenture or a trust agreement between 7121
the issuing authority and a corporate trustee, which may be any 7122
trust company or bank having a place of business within the state. 7123
Any indenture or trust agreement may contain the resolution or 7124
order authorizing the issuance of the obligations, any provisions 7125
that may be contained in any bond proceedings, and other 7126
provisions that are customary or appropriate in an agreement of 7127
that type, including, but not limited to: 7128

(1) Maintenance of each pledge, indenture, trust agreement, 7129
or other instrument comprising part of the bond proceedings until 7130
the issuing authority has fully paid or provided for the payment 7131
of debt service on the obligations secured by it; 7132

(2) In the event of default in any payments required to be 7133
made by the bond proceedings, enforcement of those payments or 7134
agreements by mandamus, the appointment of a receiver, suit in 7135
equity, action at law, or any combination of them; 7136

(3) The rights and remedies of the holders or owners of 7137
obligations and of the trustee and provisions for protecting and 7138
enforcing them, including limitations on rights of individual 7139
holders and owners. 7140

(H) The bond proceedings may contain additional provisions 7141
customary or appropriate to the financing or to the obligations or 7142
to particular obligations including, but not limited to, 7143
provisions for: 7144

(1) The redemption of obligations prior to maturity at the 7145
option of the issuing authority or of the holder or upon the 7146
occurrence of certain conditions, and at a particular price or 7147

<u>prices and under particular terms and conditions;</u>	7148
<u>(2) The form of and other terms of the obligations;</u>	7149
<u>(3) The establishment, deposit, investment, and application</u>	7150
<u>of special funds, and the safeguarding of moneys on hand or on</u>	7151
<u>deposit, in lieu of the applicability of provisions of Chapter</u>	7152
<u>131. or 135. of the Revised Code, but subject to any special</u>	7153
<u>provisions of this section with respect to the application of</u>	7154
<u>particular funds or moneys. Any financial institution that acts as</u>	7155
<u>a depository of any moneys in special funds or other funds under</u>	7156
<u>the bond proceedings may furnish indemnifying bonds or pledge</u>	7157
<u>securities as required by the issuing authority.</u>	7158
<u>(4) Any or every provision of the bond proceedings being</u>	7159
<u>binding upon the issuing authority and upon such governmental</u>	7160
<u>agency or entity, officer, board, authority, agency, department,</u>	7161
<u>institution, district, or other person or body as may from time to</u>	7162
<u>time be authorized to take actions as may be necessary to perform</u>	7163
<u>all or any part of the duty required by the provision;</u>	7164
<u>(5) The maintenance of each pledge or instrument comprising</u>	7165
<u>part of the bond proceedings until the issuing authority has fully</u>	7166
<u>paid or provided for the payment of the debt service on the</u>	7167
<u>obligations or met other stated conditions;</u>	7168
<u>(6) In the event of default in any payments required to be</u>	7169
<u>made by the bond proceedings, or by any other agreement of the</u>	7170
<u>issuing authority made as part of a contract under which the</u>	7171
<u>obligations were issued or secured, including a credit enhancement</u>	7172
<u>facility, the enforcement of those payments by mandamus, a suit in</u>	7173
<u>equity, an action at law, or any combination of those remedial</u>	7174
<u>actions;</u>	7175
<u>(7) The rights and remedies of the holders or owners of</u>	7176
<u>obligations or of book-entry interests in them, and of third</u>	7177
<u>parties under any credit enhancement facility, and provisions for</u>	7178

protecting and enforcing those rights and remedies, including 7179
limitations on rights of individual holders or owners; 7180

(8) The replacement of mutilated, destroyed, lost, or stolen 7181
obligations; 7182

(9) The funding, refunding, or advance refunding, or other 7183
provision for payment, of obligations that will then no longer be 7184
outstanding for purposes of this section or of the applicable bond 7185
proceedings; 7186

(10) Amendment of the bond proceedings; 7187

(11) Any other or additional agreements with the owners of 7188
obligations, and such other provisions as the issuing authority 7189
determines, including limitations, conditions, or qualifications, 7190
relating to any of the foregoing or the activities of the issuing 7191
authority in connection therewith. 7192

The bond proceedings shall make provision for the payment of 7193
the expenses of the enforcement activity of the attorney general 7194
referred to in division (B) of this section from the amounts from 7195
the tobacco master settlement agreement assigned and sold to the 7196
issuing authority under that division or from the proceeds of 7197
obligations, or a combination thereof, which may include provision 7198
for both annual payments and a special fund providing reserve 7199
amounts for the payment of those expenses. 7200

The issuing authority shall not, and shall covenant in the 7201
bond proceedings that it shall not, be authorized to and shall not 7202
file a voluntary petition under the United States Bankruptcy Code, 7203
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 7204
similar bankruptcy proceeding under state law including, without 7205
limitation, consenting to the appointment of a receiver or trustee 7206
or making a general or specific assignment for the benefit of 7207
creditors, and neither any public officer or any organization, 7208
entity, or other person shall authorize the issuing authority to 7209

be or become a debtor under the United States Bankruptcy Code or 7210
take any of those actions under the United States Bankruptcy Code 7211
or state law. The state hereby covenants, and the issuing 7212
authority shall covenant, with the holders or owners of the 7213
obligations, that the state shall not permit the issuing authority 7214
to file a voluntary petition under the United States Bankruptcy 7215
Code or take any of those actions under the United States 7216
Bankruptcy Code or state law during the period obligations are 7217
outstanding and for any additional period for which the issuing 7218
authority covenants in the bond proceedings, which additional 7219
period may, but need not, be a period of three hundred sixty-seven 7220
days or more. 7221

(I) The obligations requiring execution by or for the issuing 7222
authority shall be signed as provided in the bond proceedings, and 7223
may bear the official seal of the issuing authority or a facsimile 7224
thereof. Any obligation may be signed by the individual who, on 7225
the date of execution, is the authorized signer even though, on 7226
the date of the obligations, that individual is not an authorized 7227
signer. In case the individual whose signature or facsimile 7228
signature appears on any obligation ceases to be an authorized 7229
signer before delivery of the obligation, that signature or 7230
facsimile is nevertheless valid and sufficient for all purposes as 7231
if that individual had remained the authorized signer until 7232
delivery. 7233

(J) Obligations are investment securities under Chapter 1308. 7234
of the Revised Code. Obligations may be issued in bearer or in 7235
registered form, registrable as to principal alone or as to both 7236
principal and interest, or both, or in certificated or 7237
uncertificated form, as the issuing authority determines. 7238
Provision may be made for the exchange, conversion, or transfer of 7239
obligations and for reasonable charges for registration, exchange, 7240
conversion, and transfer. Pending preparation of final 7241

obligations, the issuing authority may provide for the issuance of 7242
interim instruments to be exchanged for the final obligations. 7243

(K) Obligations may be sold at public sale or at private 7244
sale, in such manner, and at such price at, above, or below par, 7245
all as determined by and provided by the issuing authority in the 7246
bond proceedings. 7247

(L) Except to the extent that rights are restricted by the 7248
bond proceedings, any owner of obligations or provider of or 7249
counterparty to a credit enhancement facility may by any suitable 7250
form of legal proceedings protect and enforce any rights relating 7251
to obligations or that facility under the laws of this state or 7252
granted by the bond proceedings. Those rights include the right to 7253
compel the performance of all applicable duties of the issuing 7254
authority and the state. Each duty of the issuing authority and 7255
that issuing authority's officers, staff, and employees, and of 7256
each state entity or agency, or using district or using 7257
institution, and its officers, members, staff, or employees, 7258
undertaken pursuant to the bond proceedings, is hereby established 7259
as a duty of the entity or individual having authority to perform 7260
that duty, specifically enjoined by law and resulting from an 7261
office, trust, or station within the meaning of section 2731.01 of 7262
the Revised Code. The individuals who are from time to time 7263
members of the issuing authority, or their designees acting 7264
pursuant to section 183.52 of the Revised Code, or the issuing 7265
authority's officers, staff, agents, or employees, when acting 7266
within the scope of their employment or agency, shall not be 7267
liable in their personal capacities on any obligations or 7268
otherwise under the bond proceedings, or for otherwise exercising 7269
or carrying out any purposes or powers of the issuing authority. 7270

(M)(1) Subject to any applicable limitations in division (C) 7271
of this section, the issuing authority may also authorize and 7272
provide for the issuance of: 7273

(a) Obligations in the form of bond anticipation notes, and 7274
may authorize and provide for the renewal of those notes from time 7275
to time by the issuance of new notes. The holders of notes or 7276
appertaining interest coupons have the right to have debt service 7277
on those notes paid solely from the moneys and special funds, and 7278
all or any portion of the pledged receipts, that are or may be 7279
pledged to that payment, including the proceeds of bonds or 7280
renewal notes or both, as the issuing authority provides in the 7281
bond proceedings authorizing the notes. Notes may be additionally 7282
secured by covenants of the issuing authority to the effect that 7283
the issuing authority will do all things necessary for the 7284
issuance of bonds or renewal notes in such principal amount and 7285
upon such terms as may be necessary to provide moneys to pay when 7286
due the debt service on the notes, and apply their proceeds to the 7287
extent necessary, to make full and timely payment of debt service 7288
on the notes as provided in the applicable bond proceedings. In 7289
the bond proceedings authorizing the issuance of bond anticipation 7290
notes the issuing authority shall set forth for the bonds 7291
anticipated an estimated schedule of annual principal payments the 7292
latest of which shall be no later than provided in division (D) of 7293
this section. While the notes are outstanding there shall be 7294
deposited, as shall be provided in the bond proceedings for those 7295
notes, from the sources authorized for payment of debt service on 7296
the bonds, amounts sufficient to pay the principal of the bonds 7297
anticipated as set forth in that estimated schedule during the 7298
time the notes are outstanding, which amounts shall be used solely 7299
to pay the principal of those notes or of the bonds anticipated. 7300

(b) Obligations for the refunding, including funding and 7301
retirement, and advance refunding, with or without payment or 7302
redemption prior to maturity, of any obligations previously issued 7303
under this section and any bonds or notes previously issued for 7304
the purpose of paying costs of capital facilities for: (i) 7305
state-supported or state-assisted institutions of higher education 7306

as authorized by sections 151.01 and 151.04 of the Revised Code, 7307
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 7308
and (ii) housing branches and agencies of state government limited 7309
to facilities for a system of common schools throughout the state 7310
as authorized by sections 151.01 and 151.03 of the Revised Code, 7311
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 7312
Refunding obligations may be issued in amounts sufficient to pay 7313
or to provide for repayment of the principal amount, including 7314
principal amounts maturing prior to the redemption of the 7315
remaining prior obligations or bonds or notes, any redemption 7316
premium, and interest accrued or to accrue to the maturity or 7317
redemption date or dates, payable on the prior obligations or 7318
bonds or notes, and related financing costs and any expenses 7319
incurred or to be incurred in connection with that issuance and 7320
refunding. Subject to the applicable bond proceedings, the portion 7321
of the proceeds of the sale of refunding obligations issued under 7322
division (M)(1)(b) of this section to be applied to debt service 7323
on the prior obligations or bonds or notes shall be credited to an 7324
appropriate separate account in the bond service fund and held in 7325
trust for the purpose by the issuing authority or by a corporate 7326
trustee, and may be invested as provided in the bond proceedings. 7327
Obligations authorized under this division shall be considered to 7328
be issued for those purposes for which the prior obligations or 7329
bonds or notes were issued. 7330

(2) The principal amount of refunding, advance refunding, or 7331
renewal obligations issued pursuant to division (M) of this 7332
section shall be in addition to the amount authorized in division 7333
(C) of this section. 7334

(N) Obligations are lawful investments for banks, savings and 7335
loan associations, credit union share guaranty corporations, trust 7336
companies, trustees, fiduciaries, insurance companies, including 7337
domestic for life and domestic not for life, trustees or other 7338

officers having charge of sinking and bond retirement or other 7339
special funds of the state and political subdivisions and taxing 7340
districts of this state, notwithstanding any other provisions of 7341
the Revised Code or rules adopted pursuant to those provisions by 7342
any state agency with respect to investments by them, and are also 7343
acceptable as security for the repayment of the deposit of public 7344
moneys. The exemptions from taxation in Ohio as provided for in 7345
particular sections of the Ohio Constitution and section 5709.76 7346
of the Revised Code apply to the obligations. 7347

(O)(1) Unless otherwise provided or provided for in any 7348
applicable bond proceedings, moneys to the credit of or in a 7349
special fund shall be disbursed on the order of the issuing 7350
authority. No such order is required for the payment, from the 7351
bond service fund or other special fund, when due of debt service 7352
or required payments under credit enhancement facilities. 7353

(2) Payments received by the issuing authority under interest 7354
rate hedges entered into as credit enhancement facilities under 7355
this section shall be deposited as provided in the applicable bond 7356
proceedings. 7357

(P) The obligations shall not be general obligations of the 7358
state and the full faith and credit, revenue, and taxing power of 7359
the state shall not be pledged to the payment of debt service on 7360
them or to any guarantee of the payment of that debt service. The 7361
holders or owners of the obligations shall have no right to have 7362
any moneys obligated or pledged for the payment of debt service 7363
except as provided in this section and in the applicable bond 7364
proceedings. The rights of the holders and owners to payment of 7365
debt service are limited to all or that portion of the pledged 7366
receipts, and those special funds, pledged to the payment of debt 7367
service pursuant to the bond proceedings in accordance with this 7368
section, and each obligation shall bear on its face a statement to 7369
that effect. 7370

(Q) Each bond service fund is a trust fund and is hereby 7371
pledged to the payment of debt service on the applicable 7372
obligations. Payment of that debt service shall be made or 7373
provided for by the issuing authority in accordance with the bond 7374
proceedings without necessity for any act of appropriation. The 7375
bond proceedings may provide for the establishment of separate 7376
accounts in the bond service fund and for the application of those 7377
accounts only to debt service on specific obligations, and for 7378
other accounts in the bond service fund within the general 7379
purposes of that fund. 7380

(R) Subject to the bond proceedings pertaining to any 7381
obligations then outstanding in accordance with their terms, the 7382
issuing authority may in the bond proceedings pledge all, or such 7383
portion as the issuing authority determines, of the moneys in the 7384
bond service fund to the payment of debt service on particular 7385
obligations, and for the establishment and maintenance of any 7386
reserves for payment of particular debt service. 7387

(S)(1) Unless otherwise provided in any applicable bond 7388
proceedings, moneys to the credit of special funds may be invested 7389
by or on behalf of the issuing authority only in one or more of 7390
the following: 7391

(a) Notes, bonds, or other direct obligations of the United 7392
States or of any agency or instrumentality of the United States, 7393
or in no-front-end-load money market mutual funds consisting 7394
exclusively of those obligations, or in repurchase agreements, 7395
including those issued by any fiduciary, secured by those 7396
obligations, or in collective investment funds consisting 7397
exclusively of those obligations; 7398

(b) Obligations of this state or any political subdivision of 7399
this state; 7400

(c) Certificates of deposit of any national bank located in 7401

this state and any bank, as defined in section 1101.01 of the 7402
Revised Code, subject to inspection by the superintendent of 7403
financial institutions; 7404

(d) The treasurer of state's pooled investment program under 7405
section 135.45 of the Revised Code; 7406

(e) Other investment agreements or repurchase agreements that 7407
are consistent with the ratings on the obligations. 7408

(2) The income from investments referred to in division 7409
(S)(1) of this section shall be credited to special funds or 7410
otherwise as the issuing authority determines in the bond 7411
proceedings. Those investments may be sold or exchanged at times 7412
as the issuing authority determines, provides for, or authorizes. 7413

(T) The treasurer of state shall have responsibility for 7414
keeping records, making reports, and making payments, relating to 7415
any arbitrage rebate requirements under the applicable bond 7416
proceedings. 7417

(U) The issuing authority shall make quarterly reports to the 7418
general assembly of the amounts in, and activities of, each 7419
improvement fund, including amounts and activities on the subfund 7420
level. Each report shall include a detailed description and 7421
analysis of the amount of proceeds remaining in each fund from the 7422
sale of obligations pursuant to this section, and any other 7423
deposits, credits, interest earnings, disbursements, expenses, 7424
transfers, or activities of each fund. 7425

(V) The costs of the annual audit of the authority conducted 7426
pursuant to section 117.112 of the Revised Code are payable, as 7427
may be provided in the bond proceedings, from the proceeds of the 7428
obligations, from special funds, or from other moneys available 7429
for the purpose, including as to future financing costs, from the 7430
pledged receipts. 7431

Sec. 183.52. (A) There is hereby created a body, both 7432
corporate and politic, constituting a public body, agency, and 7433
instrumentality of this state and performing essential functions 7434
of the state, to be known as the buckeye tobacco settlement 7435
financing authority, which in that name may contract and be 7436
contracted with, sue and be sued, and exercise all other authority 7437
vested in that authority by this section and section 183.51 of the 7438
Revised Code. The authority is created for the sole purpose of 7439
purchasing and receiving any assignment of the tobacco settlement 7440
receipts and issuing obligations, all as provided for in section 7441
183.51 of the Revised Code, to provide financing of essential 7442
functions and facilities. The property of the authority and its 7443
income and operations shall be exempt from taxation involving the 7444
state or by the state and any political subdivision of the state. 7445
All income of the authority, after the payment of necessary 7446
expenses, shall accrue to the state. 7447

(B) The authority shall consist of, in each case ex officio, 7448
the governor, the director of budget and management, the tax 7449
commissioner, the treasurer of state, and the auditor of state. 7450
The governor shall serve as the chair of the authority, the 7451
director of budget and management shall serve as its secretary, 7452
and the authority shall have such other officers as it determines, 7453
who may but need not be members of the authority. Four members of 7454
the authority constitute a quorum and the affirmative vote of four 7455
members is necessary for any action taken by vote of the 7456
authority. No vacancy in the membership of the authority shall 7457
impair the rights of a quorum by such vote to exercise all the 7458
rights and perform all the duties of the authority. Each of the 7459
members above identified may designate an employee or officer of 7460
their office to attend meetings of the authority when that member 7461
is absent or unable for any reason to attend and that designee, 7462
when present, shall be counted in determining whether a quorum is 7463

present at any meeting and may vote and participate in all 7464
proceedings and actions of the authority. A designee may not 7465
execute or cause a facsimile signature to be placed on any 7466
obligation. That designation shall be in writing, executed by the 7467
designating member, and be filed with the secretary of the 7468
authority. A designation may be changed from time to time by a 7469
similar written designation. The authority may delegate to such of 7470
its members, officers, employees, or staff as it determines those 7471
powers and duties as it deems appropriate. No member of the 7472
authority or designee shall, by reason of being or serving as a 7473
member of the authority, be required to abstain from action in any 7474
other capacity as an incumbent of a state office or position or 7475
from any action as a member of the authority in any matter 7476
affecting or in any way pertaining to both that office or position 7477
and the authority, or for any purpose be deemed to be disqualified 7478
from either such office or position or as a member of the 7479
authority by reason of so acting or to have violated any law by 7480
reason thereof. The authority may adopt and alter bylaws and rules 7481
for the conduct of its affairs, including provisions for meetings, 7482
and for the manner in which its powers and functions are to be 7483
exercised and embodied, and may adopt and alter at will an 7484
official seal to be affixed to official documents, provided that 7485
the failure to affix any such seal shall not affect the legality 7486
of such documents. Members of the authority shall receive no added 7487
compensation for their services as such members but may be 7488
reimbursed, as determined by the authority, for their necessary 7489
and actual expenses incurred in the conduct of the authority's 7490
business. The office of budget and management shall provide staff 7491
support to the authority. 7492

Notwithstanding the existence of common management, the 7493
authority shall be treated and accounted for as a separate and 7494
independent legal entity with its separate purposes as set forth 7495
in this section and section 183.51 of the Revised Code. The 7496

assets, liabilities, and funds of the authority shall not be 7497
consolidated or commingled with those of the state, and contracts 7498
entered into by the authority shall be entered into in the name of 7499
the authority and not in the name of the state. 7500

The authority shall prepare annually an operating and 7501
financial statement covering the authority's operations for the 7502
preceding fiscal year. 7503

(C) In connection with the exercise of its powers pursuant to 7504
this section and section 183.51 of the Revised Code, the authority 7505
may enter into contracts and execute all instruments necessary or 7506
incidental to the performance of the issuing authority's duties 7507
and the execution of the issuing authority's powers and do all 7508
other acts necessary or proper to the fulfillment of the issuing 7509
authority's purposes and to carry out the powers expressly granted 7510
in this section and section 183.51 of the Revised Code. The 7511
authority is subject to sections 121.22 and 149.43 of the Revised 7512
Code. 7513

(D) Unless otherwise provided in Article IV of the Ohio 7514
Constitution, any action, suit, or special proceeding brought 7515
against the issuing authority or the state concerning or relating 7516
to the bond proceedings, section 183.51 of the Revised Code, or 7517
this section, shall be filed and determined in the court of claims 7518
under Chapter 2743. of the Revised Code. Any special proceeding 7519
brought against the issuing authority or the state in which the 7520
court of appeals has original jurisdiction shall be filed and 7521
determined in the court of appeals of Franklin county. Any such 7522
action or proceeding to which the issuing authority or the state 7523
is a party shall be preferred over all other civil causes of 7524
action or cases, except election causes of action or cases, 7525
irrespective of position on the calendar. 7526

Sec. 305.31. The procedure for submitting to a referendum a 7527

resolution adopted by a board of county commissioners under 7528
division (H) of section 307.695 of the Revised Code that is not 7529
submitted to the electors of the county for their approval or 7530
disapproval; any resolution adopted by a board of county 7531
commissioners pursuant to division (D)(1) of section 307.697, 7532
section 322.02, 322.06, or 324.02, sections 1515.22 and 1515.24, 7533
division (B)(1) of section 4301.421, section 4504.02, 5739.021, or 7534
5739.026, division (A)(6) of section 5739.09, section 5741.021, or 7535
5741.023, or division (C)(1) of section 5743.024 of the Revised 7536
Code; or a rule adopted pursuant to section 307.79 of the Revised 7537
Code shall be as prescribed by this section. 7538

Except as otherwise provided in this paragraph, when a 7539
petition, signed by ten per cent of the number of electors who 7540
voted for governor at the most recent general election for the 7541
office of governor in the county, is filed with the county auditor 7542
within thirty days after the date the resolution is passed or rule 7543
is adopted by the board of county commissioners, or is filed 7544
within forty-five days after the resolution is passed, in the case 7545
of a resolution adopted pursuant to section 5739.021 of the 7546
Revised Code that is passed within one year after a resolution 7547
adopted pursuant to that section has been rejected or repealed by 7548
the electors, requesting that the resolution be submitted to the 7549
electors of the county for their approval or rejection, the county 7550
auditor shall, after ten days following the filing of the 7551
petition, and not later than four p.m. of the seventy-fifth day 7552
before the day of election, transmit a certified copy of the text 7553
of the resolution or rule to the board of elections. In the case 7554
of a petition requesting that a resolution adopted under division 7555
(D)(1) of section 307.697, division (B)(1) of section 4301.421, or 7556
division (C)(1) of section 5743.024 of the Revised Code be 7557
submitted to electors for their approval or rejection, the 7558
petition shall be signed by seven per cent of the number of 7559
electors who voted for governor at the most recent election for 7560

the office of governor in the county. The county auditor shall 7561
transmit the petition to the board together with the certified 7562
copy of the resolution or rule. The board shall examine all 7563
signatures on the petition to determine the number of electors of 7564
the county who signed the petition. The board shall return the 7565
petition to the auditor within ten days after receiving it, 7566
together with a statement attesting to the number of such electors 7567
who signed the petition. The board shall submit the resolution or 7568
rule to the electors of the county, for their approval or 7569
rejection, at the succeeding general election held in the county 7570
in any year, or on the day of the succeeding primary election held 7571
in the county in even-numbered years, occurring subsequent to 7572
seventy-five days after the auditor certifies the sufficiency and 7573
validity of the petition to the board of elections. 7574

No resolution shall go into effect until approved by the 7575
majority of those voting upon it. However, a rule shall take 7576
effect and remain in effect unless and until a majority of the 7577
electors voting on the question of repeal approve the repeal. 7578
Sections 305.31 to 305.41 of the Revised Code do not prevent a 7579
county, after the passage of any resolution or adoption of any 7580
rule, from proceeding at once to give any notice or make any 7581
publication required by the resolution or rule. 7582

The board of county commissioners shall make available to any 7583
person, upon request, a certified copy of any resolution or rule 7584
subject to the procedure for submitting a referendum under 7585
sections 305.31 to 305.42 of the Revised Code beginning on the 7586
date the resolution or rule is adopted by the board. The board may 7587
charge a fee for the cost of copying the resolution or rule. 7588

As used in this section, "certified copy" means a copy 7589
containing a written statement attesting that it is a true and 7590
exact reproduction of the original resolution or rule. 7591

Sec. 307.37. (A) As used in division (B)(3) of this section, 7592
"proposed new construction" means a proposal to erect, construct, 7593
repair, alter, redevelop, or maintain a single-family, two-family, 7594
or three-family dwelling or any structure that is regulated by the 7595
Ohio building code. 7596

(B)(1)(a) The board of county commissioners may adopt local 7597
residential building regulations governing residential buildings 7598
as defined in section 3781.06 of the Revised Code, to be enforced 7599
within the unincorporated area of the county or within districts 7600
the board establishes in any part of the unincorporated area. No 7601
local residential building regulation shall differ from the state 7602
residential building code the board of building standards 7603
establishes pursuant to Chapter 3781. of the Revised Code unless 7604
the regulation addresses subject matter not addressed by the state 7605
residential building code or is adopted pursuant to section 7606
3781.01 of the Revised Code. 7607

(b) The board of county commissioners may, by resolution, 7608
adopt, administer, and enforce within the unincorporated area of 7609
the county, or within districts the board establishes in the 7610
unincorporated area, an existing structures code pertaining to the 7611
repair and continued maintenance of structures and the premises of 7612
those structures provided that the existing structures code 7613
governs subject matter not addressed by, and is not in conflict 7614
with, the state residential building code adopted pursuant to 7615
Chapter 3781. of the Revised Code. The board may adopt by 7616
incorporation by reference a model or standard code prepared and 7617
promulgated by the state, any agency of this state, or any private 7618
organization that publishes a recognized or standard existing 7619
structures code. 7620

(c) The board shall assign the duties of administering and 7621
enforcing any local residential building regulations or existing 7622

structures code to a county officer or employee who is trained and 7623
qualified for those duties and shall establish by resolution the 7624
minimum qualifications necessary to perform those duties. 7625

(2) The board may adopt regulations for participation in the 7626
national flood insurance program as defined in section 1521.01 of 7627
the Revised Code and regulations for the purposes of section 7628
1506.04 or 1506.07 of the Revised Code governing the prohibition, 7629
location, erection, construction, redevelopment, or floodproofing 7630
of new buildings or structures, substantial improvements to 7631
existing buildings or structures, or other development in 7632
unincorporated territory within flood hazard areas identified 7633
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 7634
42 U.S.C.A. 4002, as amended, or within Lake Erie coastal erosion 7635
areas identified under section 1506.06 of the Revised Code, 7636
including, but not limited to, residential, commercial, 7637
institutional, or industrial buildings or structures or other 7638
permanent structures, as defined in section 1506.01 of the Revised 7639
Code. Rules adopted under division (B)(2) of this section shall 7640
not conflict with the state residential and nonresidential 7641
building codes adopted pursuant to section 3781.10 of the Revised 7642
Code. 7643

(3)(a) A board may adopt regulations that provide for a 7644
review of the specific effects of a proposed new construction on 7645
existing surface or subsurface drainage. The regulations may 7646
require reasonable drainage mitigation and reasonable alteration 7647
of a proposed new construction before a building permit is issued 7648
in order to prevent or correct any adverse effects that the 7649
proposed new construction may have on existing surface or 7650
subsurface drainage. The regulations shall not be inconsistent 7651
with, more stringent than, or broader in scope than standards 7652
adopted by the natural resource conservation service in the United 7653
States department of agriculture concerning drainage or rules 7654

adopted by the environmental protection agency for reducing, 7655
controlling, or mitigating storm water runoff from construction 7656
sites, where applicable. The regulations shall allow a person who 7657
is registered under Chapter 4703. or 4733. of the Revised Code to 7658
prepare and submit relevant plans and other documents for review, 7659
provided that the person is authorized to prepare the plans and 7660
other documents pursuant to the person's registration. 7661

(b) If regulations are adopted under division (B)(3) of this 7662
section, the board shall specify in the regulations a procedure 7663
for the review of the specific effects of a proposed new 7664
construction on existing surface or subsurface drainage. The 7665
procedure shall include at a minimum all of the following: 7666

(i) A meeting at which the proposed new construction shall be 7667
examined for those specific effects. The meeting shall be held 7668
within thirty days after an application for a building permit is 7669
filed or a review is requested unless the applicant agrees in 7670
writing to extend that time period or to postpone the meeting to 7671
another date, time, or place. The meeting shall be scheduled 7672
within five days after an application for a building permit is 7673
filed or a review is requested. 7674

(ii) Written notice of the date, time, and place of that 7675
meeting, sent by regular mail to the applicant. The written notice 7676
shall be mailed at least seven days before the scheduled meeting 7677
date. 7678

(iii) Completion of the review by the board of county 7679
commissioners not later than thirty days after the application for 7680
a building permit is filed or a review is requested unless the 7681
applicant has agreed in writing to extend that time period or 7682
postpone the meeting to a later time, in which case the review 7683
shall be completed not later than two days after the date of the 7684
meeting. A complete review shall include the issuance of any order 7685
of the board of county commissioners regarding necessary 7686

reasonable drainage mitigation and necessary reasonable 7687
alterations to the proposed new construction to prevent or correct 7688
any adverse effects on existing surface or subsurface drainage so 7689
long as those alterations comply with the state residential and 7690
nonresidential building codes adopted pursuant to section 3781.10 7691
of the Revised Code. If the review is not completed within the 7692
thirty-day period or an extended or postponed period that the 7693
applicant has agreed to, the proposed new construction shall be 7694
deemed to have no adverse effects on existing surface or 7695
subsurface drainage, and those effects shall not be a valid basis 7696
for the denial of a building permit. 7697

(iv) A written statement, provided to the applicant at the 7698
meeting or in an order for alterations to a proposed new 7699
construction, informing the applicant of the right to seek 7700
appellate review of the denial of a building permit under division 7701
(B)(3)(b)(iii) of this section by filing a petition in accordance 7702
with Chapter 2506. of the Revised Code. 7703

(c) The regulations may authorize the board, after obtaining 7704
the advice of the county engineer, to enter into an agreement with 7705
the county engineer or another qualified person or entity to carry 7706
out any necessary inspections and make evaluations about what, if 7707
any, alterations are necessary to prevent or correct any adverse 7708
effects that a proposed new construction may have on existing 7709
surface or subsurface drainage. 7710

(d) Regulations adopted pursuant to division (B)(3) of this 7711
section shall not apply to any property that a platting authority 7712
has approved under section 711.05, 711.09, or 711.10 of the 7713
Revised Code and shall not govern the same subject matter as the 7714
state residential or nonresidential building codes adopted 7715
pursuant to section 3781.10 of the Revised Code. 7716

(e) As used in division (B)(3) of this section, "subsurface 7717
drainage" does not include a household sewage ~~treatment~~ disposal 7718

system as defined in section 3709.091 of the Revised Code. 7719

(C)(1) Any regulation, code, or amendment may be adopted 7720
under this section only after a public hearing at not fewer than 7721
two regular or special sessions of the board. The board shall 7722
cause notice of any public hearing to be published in a newspaper 7723
of general circulation in the county once a week for the two 7724
consecutive weeks immediately preceding the hearing, except that 7725
if the board posts the hearing notice on the board's internet site 7726
on the world wide web, the board need publish only one notice of 7727
the hearing in a newspaper of general circulation if that 7728
newspaper notice includes the board's internet site and a 7729
statement that the notice is also posted on the internet site. Any 7730
notice of a public hearing shall include the time, date, and place 7731
of the hearing. 7732

(2) Any proposed regulation, code, or amendment shall be made 7733
available to the public at the board office. The regulations or 7734
amendments shall take effect on the thirty-first day following the 7735
date of their adoption. 7736

(D)(1) No person shall violate any regulation, code, or 7737
amendment the board adopts under sections 307.37 to 307.40 of the 7738
Revised Code. 7739

(2) Each day during which an illegal location, erection, 7740
construction, floodproofing, repair, alteration, development, 7741
redevelopment, or maintenance continues may be considered a 7742
separate offense. 7743

(E) Regulations or amendments the board adopts pursuant to 7744
this section, with the exception of an existing structures code, 7745
do not affect buildings or structures that exist or on which 7746
construction has begun on or before the date the board adopts the 7747
regulation or amendment. 7748

(F)(1) The board may create a building department and employ 7749

the personnel it determines necessary to administer and enforce 7750
any local residential building regulations or existing structures 7751
code the board adopts pursuant to this section. The building 7752
department may enforce the state residential and nonresidential 7753
building codes adopted pursuant to Chapter 3781. of the Revised 7754
Code if the building department is certified pursuant to section 7755
3781.10 of the Revised Code to enforce those codes. 7756

(2) The board may direct the building department, upon 7757
certification, to exercise enforcement authority and to accept and 7758
approve plans pursuant to sections 3781.03 and 3791.04 of the 7759
Revised Code for the class of building for which the department 7760
and personnel are certified. 7761

Sec. 307.672. (A) As used in this section: 7762

(1) "Bonds" means general obligation bonds, or notes in 7763
anticipation thereof, of the county described in division 7764
(B)(1)(b) of this section, and general obligation bonds, or notes 7765
in anticipation thereof, of the host municipal corporation 7766
described in division (B)(2)(a) of this section. 7767

(2) "Corporation" means a nonprofit corporation that is 7768
organized under the laws of this state and that includes within 7769
the purposes for which it is incorporated the authorization to 7770
lease and operate facilities such as a municipal educational and 7771
cultural facility. 7772

(3) "Debt service charges" means, for any period or payable 7773
at any time, the principal of and interest and any premium due on 7774
bonds for that period or payable at that time whether due at 7775
maturity or upon mandatory redemption, together with any required 7776
deposits to reserves for the payment of principal of and interest 7777
on such bonds. 7778

(4) "Host municipal corporation" means the municipal 7779

corporation within the boundaries of which a municipal educational 7780
and cultural facility is or will be located. 7781

(5) "Municipal educational and cultural facility" means a 7782
facility that may consist of a museum, archives, library, hall of 7783
fame, center for contemporary music, or other facilities necessary 7784
to provide programs of an educational, recreational, and cultural 7785
nature, together with all parking facilities, walkways, and other 7786
auxiliary facilities, real and personal property, property rights, 7787
easements, and interests that may be appropriate for, or used in 7788
connection with, the operation of the facility. 7789

(B) The legislative authorities of a county and a host 7790
municipal corporation may enter into a cooperative agreement with 7791
a corporation, under which: 7792

(1) The legislative authority of the county agrees to: 7793

(a) Levy a tax under division (E) of section 5739.09 of the 7794
Revised Code, for a period not to exceed fifteen years unless 7795
extended under that division for an additional period of time, to 7796
pay the costs of acquiring, constructing, equipping, and improving 7797
a municipal educational and cultural facility, including the debt 7798
service charges on bonds; 7799

(b) Issue bonds of the county pursuant to Chapter 133. of the 7800
Revised Code for the purpose of acquiring, constructing, 7801
equipping, and improving a municipal educational and cultural 7802
facility; 7803

(c) Contribute revenue from the tax and the proceeds from the 7804
bonds described in divisions (B)(1)(a) and (b) of this section to 7805
the host municipal corporation for the purpose of acquiring, 7806
constructing, equipping, and improving a municipal educational and 7807
cultural facility; 7808

(2) The host municipal corporation agrees to: 7809

(a) Issue bonds of the host municipal corporation pursuant to Chapter 133. of the Revised Code for the purpose of acquiring, constructing, equipping, and improving a municipal educational and cultural facility;	7810 7811 7812 7813
(b) Acquire, construct, equip, and improve a municipal educational and cultural facility;	7814 7815
(c) Accept from the county pursuant to the cooperative agreement the revenues of the tax and the proceeds of the bonds described in divisions (B)(1)(a) and (b) of this section;	7816 7817 7818
(d) Lease a municipal educational and cultural facility to the corporation, or contract with the corporation for the operation and maintenance of the facility;	7819 7820 7821
(e) To the extent provided for in the cooperative agreement or the lease or contract with the corporation, authorize the corporation to administer on behalf of the host municipal corporation the contracts for acquiring, constructing, equipping, and improving a municipal educational and cultural facility.	7822 7823 7824 7825 7826
(3) The corporation agrees to:	7827
(a) Either lease the municipal educational and cultural facility from the host municipal corporation and operate and maintain the facility pursuant to the lease, or enter into a contract with the host municipal corporation pursuant to which the corporation shall operate and maintain the facility on behalf of the host municipal corporation;	7828 7829 7830 7831 7832 7833
(b) To the extent provided for in the cooperative agreement or the lease or contract with the host municipal corporation, administer on behalf of the host municipal corporation the contracts for acquiring, constructing, equipping, or improving a municipal educational and cultural facility.	7834 7835 7836 7837 7838
(C) A tax levied pursuant to division (E) of section 5739.09	7839

of the Revised Code, the revenue from which is to be used to pay 7840
debt service charges on bonds described in division (B)(1) or (2) 7841
of this section is not subject to diminution by initiative or 7842
referendum or diminution by statute, unless provision is made 7843
therein for an adequate substitute therefor reasonably 7844
satisfactory to the legislative authorities of the host municipal 7845
corporation and the county. 7846

(D) The legislative authorities of a county and a host 7847
municipal corporation that have entered into a cooperative 7848
agreement with a corporation pursuant to division (B) of this 7849
section may amend that cooperative agreement, with the 7850
participation of the corporation and a port authority as defined 7851
in section 307.674 of the Revised Code, to provide also for a port 7852
authority educational and cultural performing arts facility in 7853
accordance with section 307.674 of the Revised Code. Such an 7854
amendment shall become effective only to the extent that the tax 7855
levied under division (E) of section 5739.09 of the Revised Code 7856
is not needed for the duration of the original tax to pay costs of 7857
the municipal educational and cultural facility, including debt 7858
service charges on related bonds, as determined by the parties to 7859
the amendment. The tax may be pledged and paid by the parties to 7860
the amendment for the balance of the duration of the tax to a port 7861
authority educational and cultural performing arts facility. 7862

Sec. 307.695. (A) As used in this section: 7863

(1) "Arena" means any structure designed and constructed for 7864
the purpose of providing a venue for public entertainment and 7865
recreation by the presentation of concerts, sporting and athletic 7866
events, and other events and exhibitions, including facilities 7867
intended to house or provide a site for one or more athletic or 7868
sports teams or activities, spectator facilities, parking 7869
facilities, walkways, and auxiliary facilities, real and personal 7870

property, property rights, easements, leasehold estates, and 7871
interests that may be appropriate for, or used in connection with, 7872
the operation of the arena. 7873

(2) "Convention center" means any structure expressly 7874
designed and constructed for the purposes of presenting 7875
conventions, public meetings, and exhibitions and includes parking 7876
facilities that serve the center and any personal property used in 7877
connection with any such structure or facilities. 7878

(3) "Eligible county" means a county having a population of 7879
at least four hundred thousand but not more than eight hundred 7880
thousand according to the 2000 federal decennial census and that 7881
directly borders the geographic boundaries of another state. 7882

(4) "Entity" means a nonprofit corporation, a municipal 7883
corporation, a port authority created under Chapter 4582. of the 7884
Revised Code, or a convention facilities authority created under 7885
Chapter 351. of the Revised Code. 7886

(5) "Lodging taxes" means excise taxes levied under division 7887
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 7888
the revenues arising therefrom. 7889

(6) "Nonprofit corporation" means a nonprofit corporation 7890
that is organized under the laws of this state and that includes 7891
within the purposes for which it is incorporated the authorization 7892
to lease and operate facilities such as a convention center or an 7893
arena or a combination of an arena and convention center. 7894

(7) "Project" means acquiring, constructing, reconstructing, 7895
renovating, rehabilitating, expanding, adding to, equipping, 7896
furnishing or otherwise improving an arena, a convention center, 7897
or a combination of an arena and convention center. For purposes 7898
of this section, a project is a permanent improvement for one 7899
purpose under Chapter 133. of the Revised Code. 7900

(8) "Project revenues" means money received by ~~an eligible a~~ 7901

county with a population greater than four hundred thousand but 7902
less than five hundred thousand, other than money from taxes or 7903
from the proceeds of securities secured by taxes, in connection 7904
with, derived from, related to, or resulting from a project, 7905
including, but not limited to, rentals and other payments received 7906
under a lease or agreement with respect to the project, ticket 7907
charges or surcharges for admission to events at a project, 7908
charges or surcharges for parking for events at a project, charges 7909
for the use of a project or any portion of a project, including 7910
suites and seating rights, the sale of naming rights for the 7911
project or a portion of the project, unexpended proceeds of any 7912
county revenue bonds issued for the project, and any income and 7913
profit from the investment of the proceeds of any such revenue 7914
bonds or any project revenues. 7915

(9) "Chapter 133. securities," "debt charges," "general 7916
obligation," "legislation," "one purpose," "outstanding," 7917
"permanent improvement," "person," and "securities" have the 7918
meanings given to those terms in section 133.01 of the Revised 7919
Code. 7920

(B) A board of county commissioners may enter into an 7921
agreement with a convention and visitors' bureau operating in the 7922
county under which: 7923

(1) The bureau agrees to construct and equip a convention 7924
center in the county and to pledge and contribute from the tax 7925
revenues received by it under division (A) of section 5739.09 of 7926
the Revised Code, not more than such portion thereof that it is 7927
authorized to pledge and contribute for the purpose described in 7928
division (C) of this section; and 7929

(2) The board agrees to levy a tax under division (C) of 7930
section 5739.09 of the Revised Code and pledge and contribute the 7931
revenues therefrom for the purpose described in division (C) of 7932
this section. 7933

(C) The purpose of the pledges and contributions described in 7934
divisions (B)(1) and (2) of this section is payment of principal, 7935
interest, and premium, if any, on bonds and notes issued by or for 7936
the benefit of the bureau to finance the construction and 7937
equipping of a convention center. The pledges and contributions 7938
provided for in the agreement shall be for the period stated in 7939
the agreement. Revenues determined from time to time by the board 7940
to be needed to cover the real and actual costs of administering 7941
the tax imposed by division (C) of section 5739.09 of the Revised 7942
Code may not be pledged or contributed. The agreement shall 7943
provide that any such bonds and notes shall be secured by a trust 7944
agreement between the bureau or other issuer acting for the 7945
benefit of the bureau and a corporate trustee that is a trust 7946
company or bank having the powers of a trust company within or 7947
without the state, and the trust agreement shall pledge or assign 7948
to the retirement of the bonds or notes, all moneys paid by the 7949
county under this section. A tax the revenues from which are 7950
pledged under an agreement entered into by a board of county 7951
commissioners under this section shall not be subject to 7952
diminution by initiative or referendum, or diminution by statute, 7953
unless provision is made therein for an adequate substitute 7954
therefor reasonably satisfactory to the trustee under the trust 7955
agreement that secures the bonds and notes. 7956

(D) A pledge of money by a county under division (B) of this 7957
section shall not be indebtedness of the county for purposes of 7958
Chapter 133. of the Revised Code. 7959

(E) If the terms of the agreement so provide, the board of 7960
county commissioners may acquire and lease real property to the 7961
convention bureau as the site of the convention center. The lease 7962
shall be on such terms as are set forth in the agreement. The 7963
purchase and lease are not subject to the limitations of sections 7964
307.02 and 307.09 of the Revised Code. 7965

(F) In addition to the authority granted to a board of county commissioners under divisions (B) to (E) of this section, a board of county commissioners in a county with a population of one million two hundred thousand or more, or a county with a population greater than four hundred thousand but less than five hundred thousand, may establish and provide local funding options for constructing and equipping a convention center.

(G) The board of county commissioners of ~~an eligible~~ a county with a population greater than four hundred thousand but less than five hundred thousand may undertake, finance, operate, and maintain a project. The board may lease a project to an entity on terms that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project; the lease may be for a term of thirty-five years or less and may provide for an option of the entity to renew the lease for a term of thirty-five years or less. The board may enter into an agreement with an entity with respect to a project on terms that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project. To the extent provided for in an agreement or a lease with an entity, the board may authorize the entity to administer on behalf of the board any contracts for the project. The board may enter into an agreement providing for the sale to a person of naming rights to a project or portion of a project, for a period, for consideration, and on other terms and conditions that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project. The board may enter into an agreement with a person owning or operating a professional athletic or sports team providing for the use by that person of a project or portion of a project for that team's offices, training, practices, and home games for a period, for consideration, and on other terms and conditions that the board determines to be in the best interest of the county and in furtherance of the public purpose of the

project. The board may establish ticket charges or surcharges for 7999
admission to events at a project, charges or surcharges for 8000
parking for events at a project, and charges for the use of a 8001
project or any portion of a project, including suites and seating 8002
rights, and may, as necessary, enter into agreements related 8003
thereto with persons for a period, for consideration, and on other 8004
terms and conditions that the board determines to be in the best 8005
interest of the county and in furtherance of the public purpose of 8006
the project. A lease or agreement authorized by this division is 8007
not subject to sections 307.02, 307.09, and 307.12 of the Revised 8008
Code. 8009

(H) Notwithstanding any contrary provision in Chapter 5739. 8010
of the Revised Code, after adopting a resolution declaring it to 8011
be in the best interest of the county to undertake a project as 8012
described in division (G) of this section, the board of county 8013
commissioners of an eligible county may adopt a resolution 8014
enacting or increasing any lodging taxes within the limits 8015
specified in Chapter 5739. of the Revised Code with respect to 8016
those lodging taxes and amending any prior resolution under which 8017
any of its lodging taxes have been imposed in order to provide 8018
that those taxes, after deducting the real and actual costs of 8019
administering the taxes and any portion of the taxes returned to 8020
any municipal corporation or township as provided in division 8021
(A)(1) of section 5739.09 of the Revised Code, shall be used by 8022
the board for the purposes of undertaking, financing, operating, 8023
and maintaining the project, including paying debt charges on any 8024
securities issued by the board under division (I) of this section, 8025
or to make contributions to the convention and visitors' bureau 8026
operating within the county, or to promote, advertise, and market 8027
the region in which the county is located, all as the board may 8028
determine and make appropriations for from time to time, subject 8029
to the terms of any pledge to the payment of debt charges on 8030
outstanding general obligation securities or special obligation 8031

securities authorized under division (I) of this section. A 8032
resolution adopted under division (H) of this section shall be 8033
adopted not earlier than January 15, 2007, and not later than 8034
January 15, 2008. 8035

A resolution adopted under division (H) of this section may 8036
direct the board of elections to submit the question of enacting 8037
or increasing lodging taxes, as the case may be, to the electors 8038
of the county at a special election held on the date specified by 8039
the board in the resolution, provided that the election occurs not 8040
less than seventy-five days after a certified copy of the 8041
resolution is transmitted to the board of elections and no later 8042
than January 15, 2008. A resolution submitted to the electors 8043
under this division shall not go into effect unless it is approved 8044
by a majority of those voting upon it. A resolution adopted under 8045
division (H) of this section that is not submitted to the electors 8046
of the county for their approval or disapproval is subject to a 8047
referendum as provided in sections 305.31 to 305.41 of the Revised 8048
Code. 8049

A resolution adopted under division (H) of this section takes 8050
effect upon its adoption, unless the resolution is submitted to 8051
the electors of the county for their approval or disapproval, in 8052
which case the resolution takes effect on the date the board of 8053
county commissioners receives notification from the board of 8054
elections of the affirmative vote. Lodging taxes received after 8055
the effective date of the resolution may be used for the purposes 8056
described in division (H) of this section, except that lodging 8057
taxes that have been pledged to the payment of debt charges on any 8058
bonds or notes issued by or for the benefit of a convention and 8059
visitors' bureau under division (C) of this section shall be used 8060
exclusively for that purpose until such time as the bonds or notes 8061
are no longer outstanding under the trust agreement securing those 8062
bonds or notes. 8063

(I)(1) The board of county commissioners of an ~~eligible~~ a 8064
county with a population greater than four hundred thousand but 8065
less than five hundred thousand may issue the following securities 8066
of the county for the purpose of paying costs of the project, 8067
refunding any outstanding county securities issued for that 8068
purpose, refunding any outstanding bonds or notes issued by or for 8069
the benefit of the bureau under division (C) of this section, or 8070
for any combination of those purposes: 8071

(a) General obligation securities issued under Chapter 133. 8072
of the Revised Code. The resolution authorizing these securities 8073
may include covenants to appropriate annually from lawfully 8074
available lodging taxes, and to continue to levy and collect those 8075
lodging taxes in, amounts necessary to meet the debt charges on 8076
those securities. 8077

(b) Special obligation securities issued under Chapter 133. 8078
of the Revised Code that are secured only by lawfully available 8079
lodging taxes and any other taxes and revenues pledged to pay the 8080
debt charges on those securities, except ad valorem property 8081
taxes. The resolution authorizing those securities shall include a 8082
pledge of and covenants to appropriate annually from lawfully 8083
available lodging taxes and any other taxes and revenues pledged 8084
for such purpose, and to continue to collect any of those revenues 8085
pledged for such purpose and to levy and collect those lodging 8086
taxes and any other taxes pledged for such purpose, in amounts 8087
necessary to meet the debt charges on those securities. The pledge 8088
is valid and binding from the time the pledge is made, and the 8089
lodging taxes so pledged and thereafter received by the county are 8090
immediately subject to the lien of the pledge without any physical 8091
delivery of the lodging taxes or further act. The lien of any 8092
pledge is valid and binding as against all parties having claims 8093
of any kind in tort, contract, or otherwise against the county, 8094
regardless of whether such parties have notice of the lien. 8095

Neither the resolution nor any trust agreement by which a pledge 8096
is created or further evidenced is required to be filed or 8097
recorded except in the records of the board. The special 8098
obligation securities shall contain a statement on their face to 8099
the effect that they are not general obligation securities, and, 8100
unless paid from other sources, are payable from the pledged 8101
lodging taxes. 8102

(c) Revenue securities authorized under section 133.08 of the 8103
Revised Code and issued under Chapter 133. of the Revised Code 8104
that are secured only by lawfully available project revenues 8105
pledged to pay the debt charges on those securities. 8106

(2) The securities described in division (I)(1) of this 8107
section are subject to Chapter 133. of the Revised Code. 8108

(3) Section 133.34 of the Revised Code, except for division 8109
(A) of that section, applies to the issuance of any refunding 8110
securities authorized under this division. In lieu of division (A) 8111
of section 133.34 of the Revised Code, the board of county 8112
commissioners shall establish the maturity date or dates, the 8113
interest payable on, and other terms of refunding securities as it 8114
considers necessary or appropriate for their issuance, provided 8115
that the final maturity of refunding securities shall not exceed 8116
by more than ten years the final maturity of any bonds refunded by 8117
refunding securities. 8118

(4) The board may not repeal, rescind, or reduce all or any 8119
portion of any lodging taxes pledged to the payment of debt 8120
charges on any outstanding special obligation securities 8121
authorized under this division, and no portion of any lodging 8122
taxes that is pledged, or that the board has covenanted to levy, 8123
collect, and appropriate annually to pay debt charges on any 8124
outstanding securities authorized under this division is subject 8125
to repeal, rescission, or reduction by the electorate of the 8126
county. 8127

Sec. 307.98. Boards ~~As used in this section, "county grantee"~~ 8128
~~has the same meaning as in section 5101.21 of the Revised Code.~~ 8129

8130

Each board of county commissioners ~~may~~ and each other county 8131
grantee of the county shall jointly enter into one or more written 8132
fiscal grant agreements with the director of job and family 8133
services in accordance with section 5101.21 of the Revised Code. 8134
~~If a board enters into a fiscal agreement, the~~ The board of county 8135
commissioners shall enter into the agreement on behalf of the 8136
county family services agencies, other than a county family 8137
services agency that is a county ~~signer as defined in section~~ 8138
~~5101.21 of the Revised Code~~ grantee. 8139

Sec. 307.981. (A)(1) As used in the Revised Code: 8140

(a) "County family services agency" means all of the 8141
following: 8142

(i) A child support enforcement agency; 8143

(ii) A county department of job and family services; 8144

(iii) A public children services agency. 8145

(b) "Family services duty" means a duty state law requires or 8146
allows a county family services agency to assume, including 8147
financial and general administrative duties. "Family services 8148
duty" does not include a duty funded by the United States 8149
department of labor. 8150

(2) As used in sections 307.981 to 307.989 of the Revised 8151
Code, "private entity" means an entity other than a government 8152
entity. 8153

(B) To the extent permitted by federal law, including, when 8154
applicable, subpart F of 5 C.F.R. part 900, and subject to any 8155
limitations established by the Revised Code, including division 8156

(H) of this section, a board of county commissioners may designate 8157
any private or government entity within this state to serve as any 8158
of the following: 8159

(1) A child support enforcement agency; 8160

(2) A county department of job and family services; 8161

(3) A public children services agency; 8162

(4) A county department of job and family services and one 8163
other of those county family services agencies; 8164

(5) All three of those county family services agencies. 8165

(C) To the extent permitted by federal law, including, when 8166
applicable, subpart F of 5 C.F.R. part 900, and subject to any 8167
limitations of the Revised Code, including division (H) of this 8168
section, a board of county commissioners may change the 8169
designation it makes under division (B) of this section by 8170
designating another private or government entity. 8171

(D) If a designation under division (B) or (C) of this 8172
section constitutes a change from the designation in a ~~fiscal~~ 8173
grant agreement between the director of job and family services 8174
and the board under sections 307.98 and 5101.21 of the Revised 8175
Code, the director may require that the director and board amend 8176
the ~~fiscal~~ grant agreement and that the board provide the director 8177
written assurances that the newly designated private or government 8178
entity will meet or exceed all requirements of the family services 8179
duties the entity is to assume. 8180

(E) Not less than sixty days before a board of county 8181
commissioners designates an entity under division (B) or (C) of 8182
this section, the board shall notify the director of job and 8183
family services and publish notice in a newspaper of general 8184
circulation in the county of the board's intention to make the 8185
designation and reasons for the designation. 8186

(F) A board of county commissioners shall enter into a written contract with each entity it designates under division (B) or (C) of this section specifying the entity's responsibilities and standards the entity is required to meet.

(G) This section does not require a board of county commissioners to abolish the child support enforcement agency, county department of job and family services, or public children services agency serving the county on October 1, 1997, and designate a different private or government entity to serve as the county's child support enforcement agency, county department of job and family services, or public children services agency.

(H) If a county children services board appointed under section 5153.03 of the Revised Code serves as a public children services agency for a county, the board of county commissioners may not redesignate the public children services agency unless the board of county commissioners does all of the following:

(1) Notifies the county children services board of its intent to redesignate the public children services agency. In its notification, the board of county commissioners shall provide the county children services board a written explanation of the administrative, fiscal, or performance considerations causing the board of county commissioners to seek to redesignate the public children services agency.

(2) Provides the county children services board an opportunity to comment on the proposed redesignation before the redesignation occurs;

(3) If the county children services board, not more than sixty days after receiving the notice under division (H)(1) of this section, notifies the board of county commissioners that the county children services board has voted to oppose the redesignation, votes unanimously to proceed with the

redesignation. 8218

Sec. 308.04. Within sixty days after a regional airport 8219
authority has been created under section 308.03 of the Revised 8220
Code, the board of trustees for such regional airport authority 8221
shall be appointed as provided in the resolution creating it. 8222

Each member of the board of trustees, before entering upon 8223
~~his~~ the member's official duties, shall take and subscribe to an 8224
oath or affirmation that ~~he~~ the member will honestly, faithfully, 8225
and impartially perform the duties of ~~his~~ office, and that ~~he~~ the 8226
member will not be interested directly or indirectly in any 8227
contract let by the regional airport authority. Any contract let 8228
by the regional airport authority in which a member of the board 8229
of trustees is directly or indirectly interested is void and 8230
unenforceable. 8231

After each member of the board has taken the oath as 8232
prescribed by this section the board shall meet and organize by 8233
electing one of its members as president and another as 8234
vice-president, who shall hold their respective offices until the 8235
next annual meeting of the board as provided in its bylaws. At 8236
each annual meeting thereafter the board shall elect from its 8237
membership a president and a vice-president who shall serve for a 8238
term of one year. 8239

The board shall appoint and fix the compensation of a 8240
secretary-treasurer, who shall not be a member of the board and 8241
who shall serve at the pleasure of the board. 8242

Sec. 317.08. (A) Except as provided in divisions (C) and (D) 8243
of this section, the county recorder shall keep six separate sets 8244
of records as follows: 8245

(1) A record of deeds, in which shall be recorded all deeds 8246
and other instruments of writing for the absolute and 8247

unconditional sale or conveyance of lands, tenements, and 8248
hereditaments; all notices as provided in sections 5301.47 to 8249
5301.56 of the Revised Code; all judgments or decrees in actions 8250
brought under section 5303.01 of the Revised Code; all 8251
declarations and bylaws, and all amendments to declarations and 8252
bylaws, as provided in Chapter 5311. of the Revised Code; 8253
affidavits as provided in sections 5301.252 and 5301.56 of the 8254
Revised Code; all certificates as provided in section 5311.17 of 8255
the Revised Code; all articles dedicating archaeological preserves 8256
accepted by the director of the Ohio historical society under 8257
section 149.52 of the Revised Code; all articles dedicating nature 8258
preserves accepted by the director of natural resources under 8259
section 1517.05 of the Revised Code; all agreements for the 8260
registration of lands as archaeological or historic landmarks 8261
under section 149.51 or 149.55 of the Revised Code; all 8262
conveyances of conservation easements and agricultural easements 8263
under section 5301.68 of the Revised Code; all instruments 8264
extinguishing agricultural easements under section 901.21 or 8265
5301.691 of the Revised Code or pursuant to terms of such an 8266
easement granted to a charitable organization under section 8267
5301.68 of the Revised Code; all instruments or orders described 8268
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 8269
no further action letters issued under section 122.654 or 3746.11 8270
of the Revised Code; all covenants not to sue issued under section 8271
3746.12 of the Revised Code, including all covenants not to sue 8272
issued pursuant to section 122.654 of the Revised Code; any 8273
restrictions on the use of property contained in a no further 8274
action letter issued under section 122.654 of the Revised Code, 8275
any restrictions on the use of property identified pursuant to 8276
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 8277
restrictions on the use of property contained in a deed or other 8278
instrument as provided in division (E) or (F) of section 3737.882 8279
of the Revised Code; any easement executed or granted under 8280

section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 8281
any environmental covenant entered into in accordance with 8282
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 8283
trust, as described in division (A) of section 5301.255 of the 8284
Revised Code, that describe specific real property; and all 8285
agreements entered into under division (A) of section ~~1521.26~~ 8286
1506.44 of the Revised Code; 8287

(2) A record of mortgages, in which shall be recorded all of 8288
the following: 8289

(a) All mortgages, including amendments, supplements, 8290
modifications, and extensions of mortgages, or other instruments 8291
of writing by which lands, tenements, or hereditaments are or may 8292
be mortgaged or otherwise conditionally sold, conveyed, affected, 8293
or encumbered; 8294

(b) All executory installment contracts for the sale of land 8295
executed after September 29, 1961, that by their terms are not 8296
required to be fully performed by one or more of the parties to 8297
them within one year of the date of the contracts; 8298

(c) All options to purchase real estate, including 8299
supplements, modifications, and amendments of the options, but no 8300
option of that nature shall be recorded if it does not state a 8301
specific day and year of expiration of its validity; 8302

(d) Any tax certificate sold under section 5721.33 of the 8303
Revised Code, or memorandum of it, that is presented for filing of 8304
record. 8305

(3) A record of powers of attorney, including all memoranda 8306
of trust, as described in division (A) of section 5301.255 of the 8307
Revised Code, that do not describe specific real property; 8308

(4) A record of plats, in which shall be recorded all plats 8309
and maps of town lots, of the subdivision of town lots, and of 8310
other divisions or surveys of lands, any center line survey of a 8311

highway located within the county, the plat of which shall be 8312
furnished by the director of transportation or county engineer, 8313
and all drawings and amendments to drawings, as provided in 8314
Chapter 5311. of the Revised Code; 8315

(5) A record of leases, in which shall be recorded all 8316
leases, memoranda of leases, and supplements, modifications, and 8317
amendments of leases and memoranda of leases; 8318

(6) A record of declarations executed pursuant to section 8319
2133.02 of the Revised Code and durable powers of attorney for 8320
health care executed pursuant to section 1337.12 of the Revised 8321
Code. 8322

(B) All instruments or memoranda of instruments entitled to 8323
record shall be recorded in the proper record in the order in 8324
which they are presented for record. The recorder may index, keep, 8325
and record in one volume unemployment compensation liens, internal 8326
revenue tax liens and other liens in favor of the United States as 8327
described in division (A) of section 317.09 of the Revised Code, 8328
personal tax liens, mechanic's liens, agricultural product liens, 8329
notices of liens, certificates of satisfaction or partial release 8330
of estate tax liens, discharges of recognizances, excise and 8331
franchise tax liens on corporations, broker's liens, and liens 8332
provided for in sections 1513.33, 1513.37, 3752.13, 5111.022, and 8333
5311.18 of the Revised Code. 8334

The recording of an option to purchase real estate, including 8335
any supplement, modification, and amendment of the option, under 8336
this section shall serve as notice to any purchaser of an interest 8337
in the real estate covered by the option only during the period of 8338
the validity of the option as stated in the option. 8339

(C) In lieu of keeping the six separate sets of records 8340
required in divisions (A)(1) to (6) of this section and the 8341
records required in division (D) of this section, a county 8342

recorder may record all the instruments required to be recorded by 8343
this section in two separate sets of record books. One set shall 8344
be called the "official records" and shall contain the instruments 8345
listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this 8346
section. The second set of records shall contain the instruments 8347
listed in division (A)(4) of this section. 8348

(D) Except as provided in division (C) of this section, the 8349
county recorder shall keep a separate set of records containing 8350
all corrupt activity lien notices filed with the recorder pursuant 8351
to section 2923.36 of the Revised Code and a separate set of 8352
records containing all medicaid fraud lien notices filed with the 8353
recorder pursuant to section 2933.75 of the Revised Code. 8354

Sec. 319.202. Before the county auditor indorses any real 8355
property conveyance or manufactured or mobile home conveyance 8356
presented to the auditor pursuant to section 319.20 of the Revised 8357
Code or registers any manufactured or mobile home conveyance 8358
pursuant to section 4503.061 of the Revised Code, the grantee or 8359
the grantee's representative shall submit in triplicate a 8360
statement, prescribed by the tax commissioner, and other 8361
information as the county auditor may require, declaring the value 8362
of real property or manufactured or mobile home conveyed, except 8363
that when the transfer is exempt under division ~~(F)~~(G)(3) of 8364
section 319.54 of the Revised Code only a statement of the reason 8365
for the exemption shall be required. Each statement submitted 8366
under this section shall contain the information required under 8367
divisions (A) and (B) of this section. 8368

(A) Each statement submitted under this section shall either: 8369

(1) Contain an affirmation by the grantee that the grantor 8370
has been asked by the grantee or the grantee's representative 8371
whether to the best of the grantor's knowledge either the 8372
preceding or the current year's taxes on the real property or the 8373

current or following year's taxes on the manufactured or mobile 8374
home conveyed will be reduced under division (A) of section 8375
323.152 or under section 4503.065 of the Revised Code and that the 8376
grantor indicated that to the best of the grantor's knowledge the 8377
taxes will not be so reduced; or 8378

(2) Be accompanied by a sworn or affirmed instrument stating: 8379

(a) To the best of the grantor's knowledge the real property 8380
or the manufactured or mobile home that is the subject of the 8381
conveyance is eligible for and will receive a reduction in taxes 8382
for or payable in the current year under division (A) of section 8383
323.152 or under section 4503.065 of the Revised Code and that the 8384
reduction or reductions will be reflected in the grantee's taxes; 8385

(b) The estimated amount of such reductions that will be 8386
reflected in the grantee's taxes; 8387

(c) That the grantor and the grantee have considered and 8388
accounted for the total estimated amount of such reductions to the 8389
satisfaction of both the grantee and the grantor. The auditor 8390
shall indorse the instrument, return it to the grantee or the 8391
grantee's representative, and provide a copy of the indorsed 8392
instrument to the grantor or the grantor's representative. 8393

(B) Each statement submitted under this section shall either: 8394

(1) Contain an affirmation by the grantee that the grantor 8395
has been asked by the grantee or the grantee's representative 8396
whether to the best of the grantor's knowledge the real property 8397
conveyed qualified for the current agricultural use valuation 8398
under section 5713.30 of the Revised Code either for the preceding 8399
or the current year and that the grantor indicated that to the 8400
best of the grantor's knowledge the property conveyed was not so 8401
qualified; or 8402

(2) Be accompanied by a sworn or affirmed instrument stating: 8403

(a) To the best of the grantor's knowledge the real property conveyed was qualified for the current agricultural use valuation under section 5713.30 of the Revised Code either for the preceding or the current year;

(b) To the extent that the property will not continue to qualify for the current agricultural use valuation either for the current or the succeeding year, that the property will be subject to a recoupment charge equal to the tax savings in accordance with section 5713.34 of the Revised Code;

(c) That the grantor and the grantee have considered and accounted for the total estimated amount of such recoupment, if any, to the satisfaction of both the grantee and the grantor. The auditor shall indorse the instrument, forward it to the grantee or the grantee's representative, and provide a copy of the indorsed instrument to the grantor or the grantor's representative.

(C) The grantor shall pay the fee required by division ~~(F)~~(G)(3) of section 319.54 of the Revised Code; and, in the event the board of county commissioners of the county has levied a real property or a manufactured home transfer tax pursuant to Chapter 322. of the Revised Code, the amount required by the real property or manufactured home transfer tax so levied. If the conveyance is exempt from the fee provided for in division ~~(F)~~(G)(3) of section 319.54 of the Revised Code and the tax, if any, levied pursuant to Chapter 322. of the Revised Code, the reason for such exemption shall be shown on the statement. "Value" means, in the case of any deed or certificate of title not a gift in whole or part, the amount of the full consideration therefor, paid or to be paid for the real estate or manufactured or mobile home described in the deed or title, including the amount of any mortgage or vendor's lien thereon. If property sold under a land installment contract is conveyed by the seller under such contract to a third party and the contract has been of record at least twelve months prior to

the date of conveyance, "value" means the unpaid balance owed to 8436
the seller under the contract at the time of the conveyance, but 8437
the statement shall set forth the amount paid under such contract 8438
prior to the date of conveyance. In the case of a gift in whole or 8439
part, "value" means the estimated price the real estate or 8440
manufactured or mobile home described in the deed or certificate 8441
of title would bring in the open market and under the then 8442
existing and prevailing market conditions in a sale between a 8443
willing seller and a willing buyer, both conversant with the 8444
property and with prevailing general price levels. No person shall 8445
willfully falsify the value of property conveyed. 8446

(D) The auditor shall indorse each conveyance on its face to 8447
indicate the amount of the conveyance fee and compliance with this 8448
section and if the property is residential rental property include 8449
a statement that the grantee shall file with the county auditor 8450
the information required under division (A) or (C) of section 8451
5323.02 of the Revised Code. The auditor shall retain the original 8452
copy of the statement of value, forward to the tax commissioner 8453
one copy on which shall be noted the most recent assessed value of 8454
the property, and furnish one copy to the grantee or the grantee's 8455
representative. 8456

(E) In order to achieve uniform administration and collection 8457
of the transfer fee required by division ~~(F)~~(G)(3) of section 8458
319.54 of the Revised Code, the tax commissioner shall adopt and 8459
promulgate rules for the administration and enforcement of the 8460
levy and collection of such fee. 8461

(F) As used in this section, "residential rental property" 8462
has the same meaning as in section 5323.01 of the Revised Code. 8463

Sec. 319.281. The county auditor shall place on the general 8464
tax list and duplicate compiled in accordance with section 319.28 8465
of the Revised Code the amount certified by the health 8466

commissioner of a city or general health district pursuant to 8467
section 3709.091 of the Revised Code of any unpaid operation 8468
permit or inspection fee for a household sewage ~~treatment~~ disposal 8469
system ~~or a small flow on site sewage treatment system or any~~ 8470
~~other unpaid fee levied under Chapter 3718. of the Revised Code~~ 8471
and any accrued late payment penalties, together with any fee 8472
charged by the county auditor for placing the amount on the 8473
general tax list and duplicate and for the expenses of its 8474
collection. The amount placed on the general tax list and 8475
duplicate shall be a lien on the real property on which the 8476
household sewage ~~treatment~~ disposal system ~~or small flow on site~~ 8477
~~sewage treatment system~~ is located from the date the amount was 8478
placed on the tax list and duplicate, and shall be charged and 8479
collected in the same manner as taxes on the list. 8480

Sec. 319.54. (A) On all moneys collected by the county 8481
treasurer on any tax duplicate of the county, other than estate 8482
tax duplicates, and on all moneys received as advance payments of 8483
personal property and classified property taxes, the county 8484
auditor, on settlement with the treasurer and tax commissioner, on 8485
or before the date prescribed by law for such settlement or any 8486
lawful extension of such date, shall be allowed as compensation 8487
for the county auditor's services the following percentages: 8488

(1) On the first one hundred thousand dollars, two and 8489
one-half per cent; 8490

(2) On the next two million dollars, eight thousand three 8491
hundred eighteen ten-thousandths of one per cent; 8492

(3) On the next two million dollars, six thousand six hundred 8493
fifty-five ten-thousandths of one per cent; 8494

(4) On all further sums, one thousand six hundred sixty-three 8495
ten-thousandths of one per cent. 8496

If any settlement is not made on or before the date 8497
prescribed by law for such settlement or any lawful extension of 8498
such date, the aggregate compensation allowed to the auditor shall 8499
be reduced one per cent for each day such settlement is delayed 8500
after the prescribed date. No penalty shall apply if the auditor 8501
and treasurer grant all requests for advances up to ninety per 8502
cent of the settlement pursuant to section 321.34 of the Revised 8503
Code. The compensation allowed in accordance with this section on 8504
settlements made before the dates prescribed by law, or the 8505
reduced compensation allowed in accordance with this section on 8506
settlements made after the date prescribed by law or any lawful 8507
extension of such date, shall be apportioned ratably by the 8508
auditor and deducted from the shares or portions of the revenue 8509
payable to the state as well as to the county, townships, 8510
municipal corporations, and school districts. 8511

(B) For the purpose of reimbursing county auditors for the 8512
expenses associated with the increased number of applications for 8513
reductions in real property taxes under sections 323.152 and 8514
4503.065 of the Revised Code that results from the amendment of 8515
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 8516
on the first day of August of each year there shall be paid from 8517
the state's general revenue fund to the county treasury to the 8518
credit of the real estate assessment fund created by section 8519
325.31 of the Revised Code an amount equal to one per cent of the 8520
total annual amount of property tax relief reimbursement paid to 8521
that county under sections 323.156 and 4503.068 of the Revised 8522
Code for the preceding tax year. 8523

(C) From all moneys collected by the county treasurer on any 8524
tax duplicate of the county, other than estate tax duplicates, and 8525
on all moneys received as advance payments of personal property 8526
and classified property taxes, there shall be paid into the county 8527
treasury to the credit of the real estate assessment fund created 8528

by section 325.31 of the Revised Code, an amount to be determined 8529
by the county auditor, which shall not exceed the ~~following~~ 8530
percentages: prescribed in divisions (C)(1) and (2) of this 8531
section. 8532

(1) ~~On~~ For payments made after June 30, 2007, and before 8533
2011, the following percentages: 8534

(a) On the first ~~one~~ five hundred thousand dollars, ~~three and~~ 8535
~~one-half~~ four per cent; 8536

~~(2)~~(b) On the next ~~three~~ five million dollars, ~~one and~~ 8537
~~three-eighths~~ two per cent; 8538

~~(3)~~(c) On the next ~~three~~ five million dollars, one per cent; 8539

~~(4)~~(d) On all further sums not exceeding one hundred fifty 8540
million dollars, three-quarters of one per cent; 8541

~~(5)~~(e) On amounts exceeding one hundred fifty million 8542
dollars, ~~six-tenths~~ five hundred eighty-five thousandths of one 8543
per cent. 8544

(2) For payments made in or after 2011, the following 8545
percentages: 8546

(a) On the first five hundred thousand dollars, four per 8547
cent; 8548

(b) On the next ten million dollars, two per cent; 8549

(c) On amounts exceeding ten million five hundred thousand 8550
dollars, ~~three-fourths~~ of one per cent. 8551

Such compensation shall be apportioned ratably by the auditor 8552
and deducted from the shares or portions of the revenue payable to 8553
the state as well as to the county, townships, municipal 8554
corporations, and school districts. 8555

~~(C)~~(D) Each county auditor shall receive four per cent of the 8556
amount of tax collected and paid into the county treasury, on 8557

property omitted and placed by the county auditor on the tax duplicate. 8558
8559

~~(D)~~(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages: 8560
8561
8562
8563
8564

(1) Four per cent on the first one hundred thousand dollars; 8565

(2) One-half of one per cent on all additional sums. 8566

Such percentages shall be computed upon the amount collected and reported at each semiannual settlement, and shall be for the use of the general fund of the county. 8567
8568
8569

~~(E)~~(F) On all cigarette license moneys collected by the county treasurer, the county auditor, on settlement semiannually with the treasurer, shall be allowed as compensation for the auditor's services in the issuing of such licenses one-half of one per cent of such moneys, to be apportioned ratably and deducted from the shares of the revenue payable to the county and subdivisions, for the use of the general fund of the county. 8570
8571
8572
8573
8574
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~~(F)~~(G) The county auditor shall charge and receive fees as follows: 8577
8578

(1) For deeds of land sold for taxes to be paid by the purchaser, five dollars; 8579
8580

(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; 8581
8582
8583
8584
8585

(3) For receiving statements of value and administering section 319.202 of the Revised Code, one dollar, or ten cents for 8586
8587

each one hundred dollars or fraction of one hundred dollars, 8588
whichever is greater, of the value of the real property 8589
transferred or, for sales occurring on or after January 1, 2000, 8590
the value of the used manufactured home or used mobile home, as 8591
defined in section 5739.0210 of the Revised Code, transferred, 8592
except no fee shall be charged when the transfer is made: 8593

(a) To or from the United States, this state, or any 8594
instrumentality, agency, or political subdivision of the United 8595
States or this state; 8596

(b) Solely in order to provide or release security for a debt 8597
or obligation; 8598

(c) To confirm or correct a deed previously executed and 8599
recorded; 8600

(d) To evidence a gift, in trust or otherwise and whether 8601
revocable or irrevocable, between husband and wife, or parent and 8602
child or the spouse of either; 8603

(e) On sale for delinquent taxes or assessments; 8604

(f) Pursuant to court order, to the extent that such transfer 8605
is not the result of a sale effected or completed pursuant to such 8606
order; 8607

(g) Pursuant to a reorganization of corporations or 8608
unincorporated associations or pursuant to the dissolution of a 8609
corporation, to the extent that the corporation conveys the 8610
property to a stockholder as a distribution in kind of the 8611
corporation's assets in exchange for the stockholder's shares in 8612
the dissolved corporation; 8613

(h) By a subsidiary corporation to its parent corporation for 8614
no consideration, nominal consideration, or in sole consideration 8615
of the cancellation or surrender of the subsidiary's stock; 8616

(i) By lease, whether or not it extends to mineral or mineral 8617

rights, unless the lease is for a term of years renewable forever; 8618

(j) When the value of the real property or the manufactured 8619
or mobile home or the value of the interest that is conveyed does 8620
not exceed one hundred dollars; 8621

(k) Of an occupied residential property, including a 8622
manufactured or mobile home, being transferred to the builder of a 8623
new residence or to the dealer of a new manufactured or mobile 8624
home when the former residence is traded as part of the 8625
consideration for the new residence or new manufactured or mobile 8626
home; 8627

(l) To a grantee other than a dealer in real property or in 8628
manufactured or mobile homes, solely for the purpose of, and as a 8629
step in, the prompt sale of the real property or manufactured or 8630
mobile home to others; 8631

(m) To or from a person when no money or other valuable and 8632
tangible consideration readily convertible into money is paid or 8633
to be paid for the real estate or manufactured or mobile home and 8634
the transaction is not a gift; 8635

(n) Pursuant to division (B) of section 317.22 of the Revised 8636
Code, or section 2113.61 of the Revised Code, between spouses or 8637
to a surviving spouse pursuant to section 5302.17 of the Revised 8638
Code as it existed prior to April 4, 1985, between persons 8639
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 8640
after April 4, 1985, to a person who is a surviving, survivorship 8641
tenant pursuant to section 5302.17 of the Revised Code on or after 8642
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 8643

(o) To a trustee acting on behalf of minor children of the 8644
deceased; 8645

(p) Of an easement or right-of-way when the value of the 8646
interest conveyed does not exceed one thousand dollars; 8647

(q) Of property sold to a surviving spouse pursuant to 8648
section 2106.16 of the Revised Code; 8649

(r) To or from an organization exempt from federal income 8650
taxation under section 501(c)(3) of the "Internal Revenue Code of 8651
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 8652
transfer is without consideration and is in furtherance of the 8653
charitable or public purposes of such organization; 8654

(s) Among the heirs at law or devisees, including a surviving 8655
spouse, of a common decedent, when no consideration in money is 8656
paid or to be paid for the real property or manufactured or mobile 8657
home; 8658

(t) To a trustee of a trust, when the grantor of the trust 8659
has reserved an unlimited power to revoke the trust; 8660

(u) To the grantor of a trust by a trustee of the trust, when 8661
the transfer is made to the grantor pursuant to the exercise of 8662
the grantor's power to revoke the trust or to withdraw trust 8663
assets; 8664

(v) To the beneficiaries of a trust if the fee was paid on 8665
the transfer from the grantor of the trust to the trustee or if 8666
the transfer is made pursuant to trust provisions which became 8667
irrevocable at the death of the grantor; 8668

(w) To a corporation for incorporation into a sports facility 8669
constructed pursuant to section 307.696 of the Revised Code; 8670

(x) Between persons pursuant to section 5302.18 of the 8671
Revised Code. 8672

The auditor shall compute and collect the fee. The auditor 8673
shall maintain a numbered receipt system, as prescribed by the tax 8674
commissioner, and use such receipt system to provide a receipt to 8675
each person paying a fee. The auditor shall deposit the receipts 8676
of the fees on conveyances in the county treasury daily to the 8677

credit of the general fund of the county. 8678

The real property transfer fee provided for in division 8679
~~(F)~~(G)(3) of this section shall be applicable to any conveyance of 8680
real property presented to the auditor on or after January 1, 8681
1968, regardless of its time of execution or delivery. 8682

The transfer fee for a used manufactured home or used mobile 8683
home shall be computed by and paid to the county auditor of the 8684
county in which the home is located immediately prior to the 8685
transfer. 8686

Sec. 322.01. As used in sections 322.01 to 322.07 of the 8687
Revised Code: 8688

(A) "Value" means, in the case of any deed not a gift in 8689
whole or part, the amount of the full consideration therefor, paid 8690
or to be paid for the real estate described in the deed, including 8691
the amount of any liens thereon, with the following exceptions: 8692

(1) The amount owed on a debt secured by a mortgage which has 8693
been of record at least twelve months prior to the date of the 8694
conveyance and which is assumed by the purchaser; 8695

(2) The difference between the full amount of consideration 8696
and the unpaid balance owed to the seller at the time of the 8697
conveyance of property to a third party under a land installment 8698
contract that has been of record at least twelve months prior to 8699
the date of conveyance. 8700

(B) "Value" means, in the case of a manufactured or mobile 8701
home that is not a gift in whole or in part, the amount of the 8702
full consideration paid or to be paid for the home, including the 8703
amounts of any liens thereon. 8704

(C) "Value" means, in the case of a gift in whole or part, 8705
the estimated price the real estate described in the deed, or the 8706
manufactured or mobile home, would bring in the open market and 8707

under the then existing and prevailing market conditions in a sale 8708
between a willing seller and a willing buyer, both conversant with 8709
the property and with prevailing general price levels. 8710

(D) "Deed" means any deed, instrument, or writing by which 8711
any real property or any interest in real property is granted, 8712
assigned, transferred, or otherwise conveyed except that it does 8713
not include any deed, instrument, or writing which grants, 8714
assigns, transfers, or otherwise conveys any real property or 8715
interests in real property exempted from the fee required by 8716
division ~~(F)~~(G)(3) of section 319.54 of the Revised Code. 8717

(E) "Manufactured home" has the same meaning as in division 8718
(C)(4) of section 3781.06 of the Revised Code. 8719

(F) "Mobile home" has the same meaning as in division (O) of 8720
section 4501.01 of the Revised Code. 8721

Sec. 323.131. (A) Each tax bill prepared and mailed or 8722
delivered under section 323.13 of the Revised Code shall be in the 8723
form and contain the information required by the tax commissioner. 8724
The commissioner may prescribe different forms for each county and 8725
may authorize the county auditor to make up tax bills and tax 8726
receipts to be used by the county treasurer. For any county in 8727
which the board of county commissioners has granted a partial 8728
property tax exemption on homesteads under section 323.158 of the 8729
Revised Code, the commissioner shall require that the tax bills 8730
for those homesteads include a notice of the amount of the tax 8731
reduction that results from the partial exemption. In addition to 8732
the information required by the commissioner, each tax bill shall 8733
contain the following information: 8734

~~(A)~~(1) The taxes levied and the taxes charged and payable 8735
against the property; 8736

~~(B)~~(2) The effective tax rate. The words "effective tax rate" 8737

shall appear in boldface type. 8738

~~(C)~~(3) The following notices: 8739

~~(1)~~(a) "Notice: If the taxes are not paid within one year 8740
from the date they are due, the property is subject to foreclosure 8741
for tax delinquency." Failure to provide such notice has no effect 8742
upon the validity of any tax foreclosure to which a property is 8743
subjected. 8744

~~(2)~~(b) "Notice: If the taxes charged against this parcel have 8745
been reduced by the 2-1/2 per cent tax reduction for residences 8746
occupied by the owner but the property is not a residence occupied 8747
by the owner, the owner must notify the county auditor's office 8748
not later than March 31 of the year following the year for which 8749
the taxes are due. Failure to do so may result in the owner being 8750
convicted of a fourth degree misdemeanor, which is punishable by 8751
imprisonment up to 30 days, a fine up to \$250, or both, and in the 8752
owner having to repay the amount by which the taxes were 8753
erroneously or illegally reduced, plus any interest that may 8754
apply. 8755

If the taxes charged against this parcel have not been 8756
reduced by the 2-1/2 per cent tax reduction and the parcel 8757
includes a residence occupied by the owner, the parcel may qualify 8758
for the tax reduction. To obtain an application for the tax 8759
reduction or further information, the owner may contact the county 8760
auditor's office at (insert the address and telephone 8761
number of the county auditor's office)." 8762

~~(D)~~(4) For a tract or lot on the real property tax suspension 8763
list under section 319.48 of the Revised Code, the following 8764
notice: "Notice: The taxes shown due on this bill are for the 8765
current year only. Delinquent taxes, penalties, and interest also 8766
are due on this property. Contact the county treasurer to learn 8767
the total amount due." 8768

The tax bill shall not contain or be mailed or delivered with any information or material that is not required by this section or that is not authorized by section 321.45 of the Revised Code or by the tax commissioner.

(B) If the property is residential rental property, the tax bill shall contain a statement that the owner of the residential rental property shall file with the county auditor the information required under division (A) or (C) of section 5323.02 of the Revised Code.

(C) As used in this section, "residential rental property" has the same meaning as in section 5323.01 of the Revised Code.

Sec. 323.151. As used in sections 323.151 to 323.159 of the Revised Code:

(A) "Homestead" means either of the following:

(1) A dwelling, including a unit in a multiple-unit dwelling and a manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, owned and occupied as a home by an individual whose domicile is in this state and who has not acquired ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the real property tax reduction provided in section 323.152 of the Revised Code.

(2) A unit in a housing cooperative that is occupied as a home, but not owned, by an individual whose domicile is in this state.

The homestead shall include so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for the use of the dwelling or unit as a home. An owner includes a holder of one of the several estates in fee, a vendee in possession under a purchase agreement or a land contract, a mortgagor, a life tenant,

one or more tenants with a right of survivorship, tenants in 8799
common, and a settlor of a revocable inter vivos trust holding the 8800
title to a homestead occupied by the settlor as of right under the 8801
trust. The tax commissioner shall adopt rules for the uniform 8802
classification and valuation of real property or portions of real 8803
property as homesteads. 8804

(B) "Sixty-five years of age or older" means a person who has 8805
attained age sixty-four prior to the first day of January of the 8806
year of application for reduction in real estate taxes. 8807

~~(C) "Total income" means the adjusted gross income of the 8808
owner and the owner's spouse for the year preceding the year in 8809
which application for a reduction in taxes is made, as determined 8810
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 8811
U.S.C.A. 1, as amended, adjusted as follows: 8812~~

~~(1) Subtract the amount of disability benefits included in 8813
adjusted gross income, but not to exceed fifty two hundred 8814
dollars; 8815~~

~~(2) Add old age and survivors benefits received pursuant to 8816
the "Social Security Act" that are not included in adjusted gross 8817
income; 8818~~

~~(3) Add retirement, pension, annuity, or other retirement 8819
payments or benefits not included in adjusted gross income; 8820~~

~~(4) Add tier I and tier II railroad retirement benefits 8821
received pursuant to the "Railroad Retirement Act," 50 Stat. 307, 8822
45 U.S.C.A. 228; 8823~~

~~(5) Add interest on federal, state, and local government 8824
obligations; 8825~~

~~(6) For a person who received the homestead exemption for a 8826
prior year on the basis of being permanently and totally disabled 8827
and whose current application for the exemption is made on the 8828~~

~~basis of age, subtract the following amount:~~ 8829

~~(a) If the person received disability benefits that were not 8830
included in adjusted gross income in the year preceding the first 8831
year in which the person applied for the exemption on the basis of 8832
age, subtract an amount equal to the disability benefits the 8833
person received in that preceding year, to the extent included in 8834
total income in the current year and not subtracted under division 8835
(C)(1) of this section in the current year;~~ 8836

~~(b) If the person received disability benefits that were 8837
included in adjusted gross income in the year preceding the first 8838
year in which the person applied for the exemption on the basis of 8839
age, subtract an amount equal to the amount of disability benefits 8840
that were subtracted pursuant to division (C)(1) of this section 8841
in that preceding year, to the extent included in total income in 8842
the current year and not subtracted under division (C)(1) of this 8843
section in the current year.~~ 8844

~~Disability benefits that are paid by the department of 8845
veterans affairs or a branch of the armed forces of the United 8846
States on account of an injury or disability shall not be included 8847
in total income.~~ 8848

~~(D) "Old age and survivors benefits received pursuant to the 8849
'Social Security Act'" or "tier I railroad retirement benefits 8850
received pursuant to the 'Railroad Retirement Act'" means:~~ 8851

~~(1) For those persons receiving the homestead exemption for 8852
the first time for tax years 1976 and earlier, old age benefits 8853
payable under the social security or railroad retirement laws in 8854
effect on December 31, 1975, except in those cases where a change 8855
in social security or railroad retirement benefits would result in 8856
a reduction in income.~~ 8857

~~(2) For those persons receiving the homestead exemption for 8858
the first time for tax years 1977 and thereafter, old age benefits 8859~~

~~payable under the social security or railroad retirement laws in effect on the last day of the calendar year prior to the year for which the homestead exemption is first received, 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.~~

~~(3) The lesser of:~~

~~(a) Survivors benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar year prior to the year for which the homestead exemption is first received, or, if no such benefits are payable that year, survivors benefits payable the first succeeding year in which survivors benefits are payable; or~~

~~(b) Old age benefits of the deceased spouse, as determined under division (D)(1) or (2) 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.~~

~~Survivors benefits are those described in division (D)(3)(b) of this section only if the deceased spouse received old age benefits in the year in which the deceased spouse died. If the deceased spouse did not receive old age benefits in the year in which the deceased spouse died, then survivors benefits are those described in division (D)(3)(a) of this section.~~

~~(E) "Permanently and totally disabled" means a person who has, on the first day of January of the year of application for reduction in real estate taxes, some impairment in body or mind that makes the person unable to work at any substantially remunerative employment that the person is reasonably able to~~

perform and that will, with reasonable probability, continue for 8891
an indefinite period of at least twelve months without any present 8892
indication of recovery therefrom or has been certified as 8893
permanently and totally disabled by a state or federal agency 8894
having the function of so classifying persons. 8895

~~(F)~~(D) "Housing cooperative" means a housing complex of at 8896
least two hundred fifty units that is owned and operated by a 8897
nonprofit corporation that issues a share of the corporation's 8898
stock to an individual, entitling the individual to live in a unit 8899
of the complex, and collects a monthly maintenance fee from the 8900
individual to maintain, operate, and pay the taxes of the complex. 8901

Sec. 323.152. In addition to the reduction in taxes required 8902
under section 319.302 of the Revised Code, taxes shall be reduced 8903
as provided in divisions (A) and (B) of this section. 8904

(A)(1) Division (A) of this section applies to any of the 8905
following: 8906

(a) A person who is permanently and totally disabled; 8907

(b) A person who is sixty-five years of age or older; 8908

(c) A person who is the surviving spouse of a deceased person 8909
who was permanently and totally disabled or sixty-five years of 8910
age or older and who applied and qualified for a reduction in 8911
taxes under this division in the year of death, provided the 8912
surviving spouse is at least fifty-nine but not sixty-five or more 8913
years of age on the date the deceased spouse dies. 8914

(2) Real property taxes on a homestead owned and occupied, or 8915
a homestead in a housing cooperative occupied, by a person to whom 8916
division (A) of this section applies shall be reduced for each 8917
year for which the owner obtains a certificate of reduction from 8918
the county auditor under section 323.154 of the Revised Code or 8919
for which the occupant obtains a certificate of reduction in 8920

accordance with section 323.159 of the Revised Code. The reduction shall equal the amount obtained by multiplying the tax rate for the tax year for which the certificate is issued by the reduction in taxable value shown in the following schedule:

	Reduce Taxable Value	
Total Income	by the Lesser of:	
\$11,900 or less	\$5,000 or seventy five per cent	
More than \$11,900 but not more than \$17,500	\$3,000 or sixty per cent	
More than \$17,500 but not more than \$23,000	\$1,000 or twenty five per cent	
More than \$23,000	-0-	

(3) Each calendar year, the tax commissioner shall adjust the foregoing schedule by completing the following calculations in September of each year:

(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;

(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;

(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;

(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;

(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 8950
reduced, the resulting sum instead shall be rounded to the nearest 8951
multiple of ten dollars. 8952~~

~~The commissioner shall certify the amounts resulting from the 8953
adjustment to each county auditor not later than the first day of 8954
December each year. The certified amounts apply to the following 8955
tax year. The commissioner shall not make the adjustment in any 8956
calendar year in which the amounts resulting from the adjustment 8957
would be less than the total income amounts, or less than the 8958
dollar amounts by which taxable value is reduced, for the current 8959
tax year greater of the reduction granted for the tax year 8960
preceding the first tax year to which this section applies 8961
pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th 8962
general assembly, if the taxpayer received a reduction for that 8963
preceding tax year, or the product of the following: 8964~~

~~(a) Twenty-five thousand dollars of the true value of the 8965
property in money; 8966~~

~~(b) The assessment percentage established by the tax 8967
commissioner under division (B) of section 5715.01 of the Revised 8968
Code, not to exceed thirty-five per cent; 8969~~

~~(c) The effective tax rate used to calculate the taxes 8970
charged against the property for the current year, where 8971
"effective tax rate" is defined as in section 323.08 of the 8972
Revised Code; 8973~~

~~(d) The quantity equal to one minus the sum of the percentage 8974
reductions in taxes allowed by section 319.302 of the Revised Code 8975
and division (B) of section 323.152 of the Revised Code for the 8976
property for the current year. 8977~~

~~(B) To provide a partial exemption, real property taxes on 8978
any homestead, and manufactured home taxes on any manufactured or 8979
mobile home on which a manufactured home tax is assessed pursuant 8980~~

to division (D)(2) of section 4503.06 of the Revised Code, shall 8981
be reduced for each year for which the owner obtains a certificate 8982
of reduction from the county auditor under section 323.154 of the 8983
Revised Code. The amount of the reduction shall equal two and 8984
one-half per cent of the amount of taxes to be levied on the 8985
homestead or the manufactured or mobile home after applying 8986
section 319.301 of the Revised Code. 8987

(C) The reductions granted by this section do not apply to 8988
special assessments or respread of assessments levied against the 8989
homestead, and if there is a transfer of ownership subsequent to 8990
the filing of an application for a reduction in taxes, such 8991
reductions are not forfeited for such year by virtue of such 8992
transfer. 8993

(D) The reductions in taxable value referred to in this 8994
section shall be applied solely as a factor for the purpose of 8995
computing the reduction of taxes under this section and shall not 8996
affect the total value of property in any subdivision or taxing 8997
district as listed and assessed for taxation on the tax lists and 8998
duplicates, or any direct or indirect limitations on indebtedness 8999
of a subdivision or taxing district. If after application of 9000
sections 5705.31 and 5705.32 of the Revised Code, including the 9001
allocation of all levies within the ten-mill limitation to debt 9002
charges to the extent therein provided, there would be 9003
insufficient funds for payment of debt charges not provided for by 9004
levies in excess of the ten-mill limitation, the reduction of 9005
taxes provided for in sections 323.151 to 323.159 of the Revised 9006
Code shall be proportionately adjusted to the extent necessary to 9007
provide such funds from levies within the ten-mill limitation. 9008

(E) No reduction shall be made on the taxes due on the 9009
homestead of any person convicted of violating division (C) or (D) 9010
of section 323.153 of the Revised Code for a period of three years 9011
following the conviction. 9012

Sec. 323.153. (A) To obtain a reduction in real property 9013
taxes under division (A) or (B) of section 323.152 of the Revised 9014
Code or in manufactured home taxes under division (B) of section 9015
323.152 of the Revised Code, the owner shall file an application 9016
with the county auditor of the county in which the owner's 9017
homestead is located. 9018

To obtain a reduction in real property taxes under division 9019
(A) of section 323.152 of the Revised Code, the occupant of a 9020
homestead in a housing cooperative shall file an application with 9021
the nonprofit corporation that owns and operates the housing 9022
cooperative, in accordance with this paragraph. Not later than the 9023
first day of March each year, the corporation shall obtain 9024
applications from the county auditor's office and provide one to 9025
each new occupant. Not later than the first day of May, any 9026
occupant who may be eligible for a reduction in taxes under 9027
division (A) of section 323.152 of the Revised Code shall submit 9028
the completed application to the corporation. Not later than the 9029
fifteenth day of May, the corporation shall file all completed 9030
applications, and the information required by division (B) of 9031
section 323.159 of the Revised Code, with the county auditor of 9032
the county in which the occupants' homesteads are located. 9033
Continuing applications shall be furnished to an occupant in the 9034
manner provided in division (C)(4) of this section. 9035

(1) An application for reduction based upon a physical 9036
disability shall be accompanied by a certificate signed by a 9037
physician, and an application for reduction based upon a mental 9038
disability shall be accompanied by a certificate signed by a 9039
physician or psychologist licensed to practice in this state, 9040
attesting to the fact that the applicant is permanently and 9041
totally disabled. The certificate shall be in a form that the tax 9042
commissioner requires and shall include the definition of 9043
permanently and totally disabled as set forth in section 323.151 9044

of the Revised Code. An application for reduction based upon a 9045
disability certified as permanent and total by a state or federal 9046
agency having the function of so classifying persons shall be 9047
accompanied by a certificate from that agency. ~~Such an~~ 9048

An application for a reduction under division (A) of section 9049
323.152 of the Revised Code constitutes a continuing application 9050
for a reduction in taxes for each year in which the dwelling is 9051
the applicant's homestead ~~and the amount of the reduction in~~ 9052
~~taxable value to which the applicant is entitled does not exceed~~ 9053
~~either the amount or percentage of the reduction to which the~~ 9054
~~applicant was entitled for the year in which the application was~~ 9055
~~first filed.~~ 9056

(2) An application for a reduction in taxes under division 9057
(B) of section 323.152 of the Revised Code shall be filed only if 9058
the homestead or manufactured or mobile home was transferred in 9059
the preceding year or did not qualify for and receive the 9060
reduction in taxes under that division for the preceding tax year. 9061
The application for homesteads transferred in the preceding year 9062
shall be incorporated into any form used by the county auditor to 9063
administer the tax law in respect to the conveyance of real 9064
property pursuant to section 319.20 of the Revised Code or of used 9065
manufactured homes or used mobile homes as defined in section 9066
5739.0210 of the Revised Code. The owner of a manufactured or 9067
mobile home who has elected under division (D)(4) of section 9068
4503.06 of the Revised Code to be taxed under division (D)(2) of 9069
that section for the ensuing year may file the application at the 9070
time of making that election. The application shall contain a 9071
statement that failure by the applicant to affirm on the 9072
application that the dwelling on the property conveyed is the 9073
applicant's homestead prohibits the owner from receiving the 9074
reduction in taxes until a proper application is filed within the 9075
period prescribed by division (A)(3) of this section. Such an 9076

application constitutes a continuing application for a reduction 9077
in taxes for each year in which the dwelling is the applicant's 9078
homestead. 9079

(3) Failure to receive a new application filed under division 9080
(A)(1) or (2) or notification under division (C) of this section 9081
after a certificate of reduction has been issued under section 9082
323.154 of the Revised Code, or failure to receive a new 9083
application filed under division (A)(1) or notification under 9084
division (C) of this section after a certificate of reduction has 9085
been issued under section 323.159 of the Revised Code, is 9086
prima-facie evidence that the original applicant is entitled to 9087
the reduction in taxes calculated on the basis of the information 9088
contained in the original application. The original application 9089
and any subsequent application, including any late application, 9090
shall be in the form of a signed statement and shall be filed 9091
after the first Monday in January and not later than the first 9092
Monday in June. The original application and any subsequent 9093
application for a reduction in real property taxes shall be filed 9094
in the year for which the reduction is sought. The original 9095
application and any subsequent application for a reduction in 9096
manufactured home taxes shall be filed in the year preceding the 9097
year for which the reduction is sought. The statement shall be on 9098
a form, devised and supplied by the tax commissioner, which shall 9099
require no more information than is necessary to establish the 9100
applicant's eligibility for the reduction in taxes and the amount 9101
of the reduction, and, for a certificate of reduction issued under 9102
section 323.154 of the Revised Code, shall include an affirmation 9103
by the applicant that ownership of the homestead was not acquired 9104
from a person, other than the applicant's spouse, related to the 9105
owner by consanguinity or affinity for the purpose of qualifying 9106
for the real property or manufactured home tax reduction provided 9107
for in division (A) or (B) of section 323.152 of the Revised Code. 9108
The form shall contain a statement that conviction of willfully 9109

falsifying information to obtain a reduction in taxes or failing 9110
to comply with division (C) of this section results in the 9111
revocation of the right to the reduction for a period of three 9112
years. ~~In the case of an application for a reduction in taxes 9113
under division (A) of section 323.152 of the Revised Code, the 9114
form shall contain a statement that signing the application 9115
constitutes a delegation of authority by the applicant to the 9116
county auditor to examine any financial records relating to income 9117
earned by the applicant as stated on the application for the 9118
purpose of determining a possible violation of division (D) or (E) 9119
of this section.~~ 9120

(B) A late application for a tax reduction for the year 9121
preceding the year in which an original application is filed, or 9122
for a reduction in manufactured home taxes for the year in which 9123
an original application is filed, may be filed with the original 9124
application. If the county auditor determines the information 9125
contained in the late application is correct, the auditor shall 9126
determine the amount of the reduction in taxes to which the 9127
applicant would have been entitled for the preceding tax year had 9128
the applicant's application been timely filed and approved in that 9129
year. 9130

The amount of such reduction shall be treated by the auditor 9131
as an overpayment of taxes by the applicant and shall be refunded 9132
in the manner prescribed in section 5715.22 of the Revised Code 9133
for making refunds of overpayments. On the first day of July of 9134
each year, the county auditor shall certify the total amount of 9135
the reductions in taxes made in the current year under this 9136
division to the tax commissioner, who shall treat the full amount 9137
thereof as a reduction in taxes for the preceding tax year and 9138
shall make reimbursement to the county therefor in the manner 9139
prescribed by section 323.156 of the Revised Code, from money 9140
appropriated for that purpose. 9141

(C)(1) If, in any year after an application has been filed 9142
under division (A)(1) or (2) of this section, the owner does not 9143
qualify for a reduction in taxes on the homestead or on the 9144
manufactured or mobile home set forth on such application, ~~or~~ 9145
~~qualifies for a reduction in taxes that is to be based upon a~~ 9146
~~reduction in taxable value less than either the percentage or~~ 9147
~~amount of the reduction in taxable value to which the owner was~~ 9148
~~entitled in the year the application was filed, the owner shall~~ 9149
notify the county auditor that the owner is not qualified for a 9150
reduction in taxes ~~or file a new application under division (A)(1)~~ 9151
~~or (2) of this section.~~ 9152

(2) If, in any year after an application has been filed under 9153
division (A)~~(1)~~ of this section, the occupant of a homestead in a 9154
housing cooperative does not qualify for a reduction in taxes on 9155
the homestead, the occupant shall notify the county auditor that 9156
the occupant is not qualified for a reduction in taxes or file a 9157
new application under division (A)~~(1)~~ of this section. 9158

(3) If the county auditor or county treasurer discovers that 9159
the owner of property not entitled to the reduction in taxes under 9160
division (B) of section 323.152 of the Revised Code failed to 9161
notify the county auditor as required by division (C)(1) of this 9162
section, a charge shall be imposed against the property in the 9163
amount by which taxes were reduced under that division for each 9164
tax year the county auditor ascertains that the property was not 9165
entitled to the reduction and was owned by the current owner. 9166
Interest shall accrue in the manner prescribed by division (B) of 9167
section 323.121 or division (G)(2) of section 4503.06 of the 9168
Revised Code on the amount by which taxes were reduced for each 9169
such tax year as if the reduction became delinquent taxes at the 9170
close of the last day the second installment of taxes for that tax 9171
year could be paid without penalty. The county auditor shall 9172
notify the owner, by ordinary mail, of the charge, of the owner's 9173

right to appeal the charge, and of the manner in which the owner 9174
may appeal. The owner may appeal the imposition of the charge and 9175
interest by filing an appeal with the county board of revision not 9176
later than the last day prescribed for payment of real and public 9177
utility property taxes under section 323.12 of the Revised Code 9178
following receipt of the notice and occurring at least ninety days 9179
after receipt of the notice. The appeal shall be treated in the 9180
same manner as a complaint relating to the valuation or assessment 9181
of real property under Chapter 5715. of the Revised Code. The 9182
charge and any interest shall be collected as other delinquent 9183
taxes. 9184

(4) Each year during January, the county auditor shall 9185
furnish by ordinary mail a continuing application to each person 9186
issued a certificate of reduction under section 323.154 or 323.159 9187
of the Revised Code with respect to a reduction in taxes under 9188
division (A) of section 323.152 of the Revised Code. The 9189
continuing application shall be used to report ~~changes in total~~ 9190
~~income that would have the effect of increasing or decreasing the~~ 9191
~~reduction in taxable value to which the person is entitled,~~ 9192
changes in ownership or occupancy of the homestead, including 9193
changes in or revocation of a revocable inter vivos trust, changes 9194
in disability, and other changes in the information earlier 9195
furnished the auditor relative to the reduction in taxes on the 9196
property. The continuing application shall be returned to the 9197
auditor not later than the first Monday in June; provided, that if 9198
such changes do not affect the status of the homestead exemption 9199
or the amount of the reduction to which the owner is entitled 9200
under division (A) of section 323.152 of the Revised Code or to 9201
which the occupant is entitled under section 323.159 of the 9202
Revised Code, the application does not need to be returned. 9203

(5) Each year during February, the county auditor, except as 9204
otherwise provided in this paragraph, shall furnish by ordinary 9205

mail an original application to the owner, as of the first day of 9206
January of that year, of a homestead or a manufactured or mobile 9207
home that transferred during the preceding calendar year and that 9208
qualified for and received a reduction in taxes under division (B) 9209
of section 323.152 of the Revised Code for the preceding tax year. 9210
In order to receive the reduction under that division, the owner 9211
shall file the application with the county auditor not later than 9212
the first Monday in June. If the application is not timely filed, 9213
the auditor shall not grant a reduction in taxes for the homestead 9214
for the current year, and shall notify the owner that the 9215
reduction in taxes has not been granted, in the same manner 9216
prescribed under section 323.154 of the Revised Code for 9217
notification of denial of an application. Failure of an owner to 9218
receive an application does not excuse the failure of the owner to 9219
file an original application. The county auditor is not required 9220
to furnish an application under this paragraph for any homestead 9221
for which application has previously been made on a form 9222
incorporated into any form used by the county auditor to 9223
administer the tax law in respect to the conveyance of real 9224
property or of used manufactured homes or used mobile homes, and 9225
an owner who previously has applied on such a form is not required 9226
to return an application furnished under this paragraph. 9227

(D) No person shall knowingly make a false statement for the 9228
purpose of obtaining a reduction in the person's real property or 9229
manufactured home taxes under section 323.152 of the Revised Code. 9230

(E) No person shall knowingly fail to notify the county 9231
auditor of changes required by division (C) of this section that 9232
have the effect of maintaining or securing a reduction ~~in taxable~~ 9233
~~value of homestead property or a reduction~~ in taxes ~~in excess of~~ 9234
~~the reduction allowed~~ under section 323.152 of the Revised Code. 9235

(F) No person shall knowingly make a false statement or 9236
certification attesting to any person's physical or mental 9237

condition for purposes of qualifying such person for tax relief 9238
pursuant to sections 323.151 to 323.159 of the Revised Code. 9239

Sec. 323.154. On or before the day the county auditor has 9240
completed the duties imposed by sections 319.30 to 319.302 of the 9241
Revised Code, the auditor shall issue a certificate of reduction 9242
in taxes in triplicate for each person who has complied with 9243
section 323.153 of the Revised Code and whose homestead, as 9244
defined in division (A)(1) of section 323.151 of the Revised Code, 9245
or manufactured or mobile home the auditor finds is entitled to a 9246
reduction in real property or manufactured home taxes for that 9247
year under section 323.152 of the Revised Code. Except as provided 9248
in section 323.159 of the Revised Code, in the case of a homestead 9249
entitled to a reduction under division (A) of that section, the 9250
certificate shall state the taxable value of the homestead on the 9251
first day of January of that year, the ~~amount of the reduction in~~ 9252
~~taxable value and the~~ total reduction in taxes for that year under 9253
that section, the tax rate that is applicable against such 9254
homestead for that year, and any other information the tax 9255
commissioner requires. In the case of a homestead or a 9256
manufactured or mobile home entitled to a reduction under division 9257
(B) of that section, the certificate shall state the total amount 9258
of the reduction in taxes for that year under that section and any 9259
other information the tax commissioner requires. The certificate 9260
for reduction in taxes shall be on a form approved by the 9261
commissioner. Upon issuance of such a certificate, the county 9262
auditor shall forward one copy and the original to the county 9263
treasurer and retain one copy. The county auditor also shall 9264
record the amount of reduction in taxes in the appropriate column 9265
on the general tax list and duplicate of real and public utility 9266
property and on the manufactured home tax list. 9267

If an application, late application, or continuing 9268
application is not approved, or if the county auditor otherwise 9269

determines that a homestead or a manufactured or mobile home does 9270
not qualify for a reduction in taxes under division (A) or (B) of 9271
section 323.152 of the Revised Code, the auditor shall notify the 9272
applicant of the reasons for denial not later than the first 9273
Monday in October. If an applicant believes that the application 9274
for reduction has been improperly denied or that the reduction is 9275
for less than that to which the applicant is entitled, the 9276
applicant may file an appeal with the county board of revision not 9277
later than the date of closing of the collection for the first 9278
half of real and public utility property taxes or manufactured 9279
home taxes. The appeal shall be treated in the same manner as a 9280
complaint relating to the valuation or assessment of real property 9281
under Chapter 5715. of the Revised Code. 9282

Sec. 325.31. (A) On the first business day of each month, and 9283
at the end of the officer's term of office, each officer named in 9284
section 325.27 of the Revised Code shall pay into the county 9285
treasury, to the credit of the general county fund, on the warrant 9286
of the county auditor, all fees, costs, penalties, percentages, 9287
allowances, and perquisites collected by the officer's office 9288
during the preceding month or part thereof for official services, 9289
except the fees allowed the county auditor by division ~~(B)~~(C) of 9290
section 319.54 of the Revised Code, which shall be paid into the 9291
county treasury to the credit of the real estate assessment fund 9292
hereby created. 9293

(B) Moneys to the credit of the real estate assessment fund 9294
may be expended, upon appropriation by the board of county 9295
commissioners, for the purpose of defraying one or more of the 9296
following: 9297

(1) The cost incurred by the county auditor in assessing real 9298
estate pursuant to Chapter 5713. of the Revised Code and 9299
manufactured and mobile homes pursuant to Chapter 4503. of the 9300

Revised Code; 9301

(2) At the county auditor's discretion, costs and expenses 9302
incurred by the county auditor in preparing the list of real and 9303
public utility property, in administering laws related to the 9304
taxation of real property and the levying of special assessments 9305
on real property, including administering reductions under 9306
Chapters 319. and 323. and section 4503.065 of the Revised Code, 9307
and to support assessments of real property in any administrative 9308
or judicial proceeding; 9309

(3) At the county auditor's discretion, the expenses incurred 9310
by the county board of revision under Chapter 5715. of the Revised 9311
Code; 9312

(4) At the county auditor's discretion, the expenses incurred 9313
by the county auditor for geographic information systems, mapping 9314
programs, and technological advances in those or similar systems 9315
or programs; 9316

(5) At the county auditor's discretion, expenses incurred by 9317
the county auditor in compiling the general tax list of tangible 9318
personal property and administering tangible personal property 9319
taxes under Chapters 5711. and 5719. of the Revised Code; 9320

(6) At the county auditor's discretion, costs, expenses, and 9321
fees incurred by the county auditor in the administration of 9322
estate taxes under Chapter 5731. of the Revised Code and the 9323
amounts incurred under section 5731.41 of the Revised Code. 9324

Any expenditures made from the real estate assessment fund 9325
shall comply with rules that the tax commissioner adopts under 9326
division (0) of section 5703.05 of the Revised Code. Those rules 9327
shall include a requirement that a copy of any appraisal plans, 9328
progress of work reports, contracts, or other documents required 9329
to be filed with the tax commissioner shall be filed also with the 9330
board of county commissioners. 9331

The board of county commissioners shall not transfer moneys 9332
required to be deposited in the real estate assessment fund to any 9333
other fund. Following an assessment of real property pursuant to 9334
Chapter 5713. of the Revised Code, or an assessment of a 9335
manufactured or mobile home pursuant to Chapter 4503. of the 9336
Revised Code, any moneys not expended for the purpose of defraying 9337
the cost incurred in assessing real estate or manufactured or 9338
mobile homes or for the purpose of defraying the expenses 9339
described in divisions (B)(2), (3), (4), (5), and (6) of this 9340
section, and thereby remaining to the credit of the real estate 9341
assessment fund, shall be apportioned ratably and distributed to 9342
those taxing authorities that contributed to the fund. However, no 9343
such distribution shall be made if the amount of such unexpended 9344
moneys remaining to the credit of the real estate assessment fund 9345
does not exceed five thousand dollars. 9346

(C) None of the officers named in section 325.27 of the 9347
Revised Code shall collect any fees from the county. Each of such 9348
officers shall, at the end of each calendar year, make and file a 9349
sworn statement with the board of county commissioners of all such 9350
fees, costs, penalties, percentages, allowances, and perquisites 9351
which have been due in the officer's office and unpaid for more 9352
than one year prior to the date such statement is required to be 9353
made. 9354

Sec. 329.04. (A) The county department of job and family 9355
services shall have, exercise, and perform the following powers 9356
and duties: 9357

(1) Perform any duties assigned by the state department of 9358
job and family services regarding the provision of public family 9359
services, including the provision of the following services to 9360
prevent or reduce economic or personal dependency and to 9361
strengthen family life: 9362

(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;	9363 9364
(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;	9365 9366 9367
(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.	9368 9369 9370 9371 9372 9373 9374 9375
(d) Duties assigned under section 5111.98 of the Revised Code.	9376 9377
(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;	9378 9379 9380
(3) Administer disability medical assistance, as required by the state department of job and family services under section 5115.13 of the Revised Code;	9381 9382 9383
(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;	9384 9385 9386
(5) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;	9387 9388 9389
(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;	9390 9391 9392

(7) Exercise any powers and duties relating to family 9393
services duties or workforce development activities imposed upon 9394
the county department of job and family services by law, by 9395
resolution of the board of county commissioners, or by order of 9396
the governor, when authorized by law, to meet emergencies during 9397
war or peace; 9398

(8) Determine the eligibility for medical assistance of 9399
recipients of aid under Title XVI of the "Social Security Act"; 9400

(9) If assigned by the state director of job and family 9401
services under section 5101.515 of the Revised Code, determine 9402
applicants' eligibility for health assistance under the children's 9403
health insurance program part II; 9404

(10) Enter into a plan of cooperation with the board of 9405
county commissioners under section 307.983, consult with the board 9406
in the development of the transportation work plan developed under 9407
section 307.985, establish with the board procedures under section 9408
307.986 for providing services to children whose families relocate 9409
frequently, and comply with the contracts the board enters into 9410
under sections 307.981 and 307.982 of the Revised Code that affect 9411
the county department; 9412

(11) For the purpose of complying with a ~~fiscal~~ grant 9413
agreement the board of county commissioners enters into under 9414
~~section~~ sections 307.98 and 5101.21 of the Revised Code, exercise 9415
the powers and perform the duties the ~~fiscal~~ grant agreement 9416
assigns to the county department; 9417

(12) If the county department is designated as the workforce 9418
development agency, provide the workforce development activities 9419
specified in the contract required by section 330.05 of the 9420
Revised Code. 9421

(B) The powers and duties of a county department of job and 9422
family services are, and shall be exercised and performed, under 9423

the control and direction of the board of county commissioners. 9424
The board may assign to the county department any power or duty of 9425
the board regarding family services duties and workforce 9426
development activities. If the new power or duty necessitates the 9427
state department of job and family services changing its federal 9428
cost allocation plan, the county department may not implement the 9429
power or duty unless the United States department of health and 9430
human services approves the changes. 9431

Sec. 329.05. The county department of job and family services 9432
may administer or assist in administering any state or local 9433
family services duty in addition to those mentioned in section 9434
329.04 of the Revised Code, supported wholly or in part by public 9435
funds from any source provided by agreement between the board of 9436
county commissioners and the officer, department, board, or agency 9437
in which the administration of such activity is vested. Such 9438
officer, department, board, or agency may enter into such 9439
agreement and confer upon the county department of job and family 9440
services, to the extent and in particulars specified in the 9441
agreement, the performance of any duties and the exercise of any 9442
powers imposed upon or vested in such officer, board, department, 9443
or agency, with respect to the administration of such activity. 9444
Such agreement shall be in the form of a resolution of the board 9445
of county commissioners, accepted in writing by the other party to 9446
the agreement, and filed in the office of the county auditor, and 9447
when so filed, shall have the effect of transferring the exercise 9448
of the powers and duties to which the agreement relates and shall 9449
exempt the other party from all further responsibility for the 9450
exercise of the powers and duties so transferred, during the life 9451
of the agreement. 9452

Such agreement shall be coordinated and not conflict with a 9453
~~fiscal grant~~ agreement entered into under ~~section~~ sections 307.98 9454
and 5101.21, a contract entered into under section 307.981 or 9455

307.982, a plan of cooperation entered into under section 307.983, 9456
a regional plan of cooperation entered into under section 307.984, 9457
a transportation work plan developed under section 307.985, or 9458
procedures for providing services to children whose families 9459
relocate frequently established under section 307.986 of the 9460
Revised Code. It may be revoked at the option of either party, by 9461
a resolution or order of the revoking party filed in the office of 9462
the auditor. Such revocation shall become effective at the end of 9463
the fiscal year occurring at least six months following the filing 9464
of the resolution or order. In the absence of such an express 9465
revocation so filed, the agreement shall continue indefinitely. 9466

This section does not permit a county department of job and 9467
family services to manage or control hospitals, humane societies, 9468
detention facilities, jails or probation departments of courts, or 9469
veterans service commissions. 9470

Sec. 329.14. (A) An individual whose household income does 9471
not exceed ~~one~~ two hundred ~~fifty~~ per cent of the federal poverty 9472
line is eligible to participate in an individual development 9473
account program established by the county department of job and 9474
family services of the county in which the individual resides. An 9475
eligible individual seeking to be a participant in the program 9476
shall enter into an agreement with the fiduciary organization 9477
administering the program. The agreement shall specify the terms 9478
and conditions of uses of funds deposited, financial documentation 9479
required to be maintained by the participant, expectations and 9480
responsibilities of the participant, and services to be provided 9481
by the fiduciary organization. 9482

(B) A participant may deposit earned income, as defined in 26 9483
U.S.C. 911(d)(2), as amended, into the account. The fiduciary 9484
organization may deposit into the account an amount not exceeding 9485
~~twice~~ four times the amount deposited by the participant except 9486

that a fiduciary organization may not, pursuant to an agreement 9487
with an employer, deposit an amount into an account held by a 9488
participant who is employed by the employer. An account may have 9489
no more than ten thousand dollars in it at any time. 9490

(C) Notwithstanding eligibility requirements established in 9491
or pursuant to Chapter 5107., 5108., or 5111. of the Revised Code, 9492
to the extent permitted by federal statutes and regulations, money 9493
in an individual development account, including interest, is 9494
exempt from consideration in determining whether the participant 9495
or a member of the participant's assistance group is eligible for 9496
assistance under Chapter 5107., 5108., or 5111. of the Revised 9497
Code and the amount of assistance the participant or assistance 9498
group is eligible to receive. 9499

(D)(1) Except as provided in division (D)(2) of this section, 9500
an individual development account program participant may use 9501
money in the account only for the following purposes: 9502

(a) Postsecondary educational expenses paid directly from the 9503
account to an eligible education institution or vendor; 9504

(b) Qualified acquisition expenses of a principal residence, 9505
as defined in 26 U.S.C. 1034, as amended, paid directly from the 9506
account to the person or government entity to which the expenses 9507
are due; 9508

(c) Qualified business capitalization expenses made in 9509
accordance with a qualified business plan that has been approved 9510
by a financial institution or by a nonprofit microenterprise 9511
program having demonstrated business expertise and paid directly 9512
from the account to the person to whom the expenses are due. 9513

(2) A fiduciary organization shall permit a participant to 9514
withdraw money deposited by the participant if it is needed to 9515
deal with a personal emergency of the participant or a member of 9516
the participant's family or household. Withdrawal shall result in 9517

the loss of any matching funds in an amount equal to the amount of 9518
the withdrawal. 9519

(3) Regardless of the reason for the withdrawal, a withdrawal 9520
from an individual development account may be made only with the 9521
approval of the fiduciary organization. 9522

Sec. 340.03. (A) Subject to rules issued by the director of 9523
mental health after consultation with relevant constituencies as 9524
required by division (A)(11) of section 5119.06 of the Revised 9525
Code, with regard to mental health services, the board of alcohol, 9526
drug addiction, and mental health services shall: 9527

(1) Serve as the community mental health planning agency for 9528
the county or counties under its jurisdiction, and in so doing it 9529
shall: 9530

(a) Evaluate the need for facilities and community mental 9531
health services; 9532

(b) In cooperation with other local and regional planning and 9533
funding bodies and with relevant ethnic organizations, assess the 9534
community mental health needs, set priorities, and develop plans 9535
for the operation of facilities and community mental health 9536
services; 9537

(c) In accordance with guidelines issued by the director of 9538
mental health after consultation with board representatives, 9539
develop and submit to the department of mental health, no later 9540
than six months prior to the conclusion of the fiscal year in 9541
which the board's current plan is scheduled to expire, a community 9542
mental health plan listing community mental health needs, 9543
including the needs of all residents of the district now residing 9544
in state mental institutions and severely mentally disabled 9545
adults, children, and adolescents; all children subject to a 9546
determination made pursuant to section 121.38 of the Revised Code; 9547

and all the facilities and community mental health services that 9548
are or will be in operation or provided during the period for 9549
which the plan will be in operation in the service district to 9550
meet such needs. 9551

The plan shall include, but not be limited to, a statement of 9552
which of the services listed in section 340.09 of the Revised Code 9553
the board intends to make available. The board must include crisis 9554
intervention services for individuals in an emergency situation in 9555
the plan and explain how the board intends to make such services 9556
available. The plan must also include an explanation of how the 9557
board intends to make any payments that it may be required to pay 9558
under section 5119.62 of the Revised Code, a statement of the 9559
inpatient and community-based services the board proposes that the 9560
department operate, an assessment of the number and types of 9561
residential facilities needed, such other information as the 9562
department requests, and a budget for moneys the board expects to 9563
receive. The board shall also submit an allocation request for 9564
state and federal funds. Within sixty days after the department's 9565
determination that the plan and allocation request are complete, 9566
the department shall approve or disapprove the plan and request, 9567
in whole or in part, according to the criteria developed pursuant 9568
to section 5119.61 of the Revised Code. The department's statement 9569
of approval or disapproval shall specify the inpatient and the 9570
community-based services that the department will operate for the 9571
board. Eligibility 9572

~~Eligibility~~ for state and federal funding shall be contingent 9573
upon an approved plan or relevant part of a plan. ~~The department~~ 9574
~~may provide state and federal funding for services included in a~~ 9575
~~plan only if the services are for individuals whose focus of~~ 9576
~~treatment or prevention is a mental disorder according to the~~ 9577
~~edition of the American psychiatric association's diagnostic and~~ 9578
~~statistical manual of mental disorders that is current at the time~~ 9579

~~the funding is provided. This shall include such services for 9580
individuals who have a mental disorder and a co-occurring 9581
substance use disorder, substance induced disorder, chronic 9582
dementing organic mental disorder, mental retardation, or 9583
developmental disability. The department may not provide state or 9584
federal funding under a plan for a service for individuals whose 9585
focus of treatment or prevention is solely a substance use 9586
disorder, substance induced disorder, chronic dementing organic 9587
mental disorder, mental retardation, or developmental disability. 9588~~

If the director disapproves all or part of any plan, the 9589
director shall inform the board of the reasons for the disapproval 9590
and of the criteria that must be met before the plan may be 9591
approved. The director shall provide the board an opportunity to 9592
present its case on behalf of the plan. The director shall give 9593
the board a reasonable time in which to meet the criteria, and 9594
shall offer the board technical assistance to help it meet the 9595
criteria. 9596

If the approval of a plan remains in dispute thirty days 9597
prior to the conclusion of the fiscal year in which the board's 9598
current plan is scheduled to expire, the board or the director may 9599
request that the dispute be submitted to a mutually agreed upon 9600
third-party mediator with the cost to be shared by the board and 9601
the department. The mediator shall issue to the board and the 9602
department recommendations for resolution of the dispute. Prior to 9603
the conclusion of the fiscal year in which the current plan is 9604
scheduled to expire, the director, taking into consideration the 9605
recommendations of the mediator, shall make a final determination 9606
and approve or disapprove the plan, in whole or in part. 9607

If a board determines that it is necessary to amend a plan or 9608
an allocation request that has been approved under division 9609
(A)(1)(c) of this section, the board shall submit a proposed 9610
amendment to the director. The director may approve or disapprove 9611

all or part of the amendment. If the director does not approve all 9612
or part of the amendment within thirty days after it is submitted, 9613
the amendment or part of it shall be considered to have been 9614
approved. The director shall inform the board of the reasons for 9615
disapproval of all or part of an amendment and of the criteria 9616
that must be met before the amendment may be approved. The 9617
director shall provide the board an opportunity to present its 9618
case on behalf of the amendment. The director shall give the board 9619
a reasonable time in which to meet the criteria, and shall offer 9620
the board technical assistance to help it meet the criteria. 9621

The board shall implement the plan approved by the 9622
department. 9623

(d) Receive, compile, and transmit to the department of 9624
mental health applications for state reimbursement; 9625

(e) Promote, arrange, and implement working agreements with 9626
social agencies, both public and private, and with judicial 9627
agencies. 9628

(2) Investigate, or request another agency to investigate, 9629
any complaint alleging abuse or neglect of any person receiving 9630
services from a community mental health agency as defined in 9631
section 5122.01 of the Revised Code, or from a residential 9632
facility licensed under section 5119.22 of the Revised Code. If 9633
the investigation substantiates the charge of abuse or neglect, 9634
the board shall take whatever action it determines is necessary to 9635
correct the situation, including notification of the appropriate 9636
authorities. Upon request, the board shall provide information 9637
about such investigations to the department. 9638

(3) For the purpose of section 5119.611 of the Revised Code, 9639
cooperate with the director of mental health in visiting and 9640
evaluating whether the services of a community mental health 9641
agency satisfy the certification standards established by rules 9642

adopted under that section; 9643

(4) In accordance with criteria established under division 9644
(G) of section 5119.61 of the Revised Code, review and evaluate 9645
the quality, effectiveness, and efficiency of services provided 9646
through its community mental health plan and submit its findings 9647
and recommendations to the department of mental health; 9648

(5) In accordance with section 5119.22 of the Revised Code, 9649
review applications for residential facility licenses and 9650
recommend to the department of mental health approval or 9651
disapproval of applications; 9652

(6) Audit, in accordance with rules adopted by the auditor of 9653
state pursuant to section 117.20 of the Revised Code, at least 9654
annually all programs and services provided under contract with 9655
the board. In so doing, the board may contract for or employ the 9656
services of private auditors. A copy of the fiscal audit report 9657
shall be provided to the director of mental health, the auditor of 9658
state, and the county auditor of each county in the board's 9659
district. 9660

(7) Recruit and promote local financial support for mental 9661
health programs from private and public sources; 9662

(8)(a) Enter into contracts with public and private 9663
facilities for the operation of facility services included in the 9664
board's community mental health plan and enter into contracts with 9665
public and private community mental health agencies for the 9666
provision of community mental health services that are listed in 9667
section 340.09 of the Revised Code and included in the board's 9668
community mental health plan. The board may not contract with a 9669
community mental health agency to provide community mental health 9670
services included in the board's community mental health plan 9671
unless the services are certified by the director of mental health 9672
under section 5119.611 of the Revised Code. Section 307.86 of the 9673

Revised Code does not apply to contracts entered into under this 9674
division. In contracting with a community mental health agency, a 9675
board shall consider the cost effectiveness of services provided 9676
by that agency and the quality and continuity of care, and may 9677
review cost elements, including salary costs, of the services to 9678
be provided. A utilization review process shall be established as 9679
part of the contract for services entered into between a board and 9680
a community mental health agency. The board may establish this 9681
process in a way that is most effective and efficient in meeting 9682
local needs. In the case of a contract with a community mental 9683
health facility, as defined in section 5111.023 of the Revised 9684
Code, to provide services listed in division (B) of that section, 9685
the contract shall provide for the facility to be paid in 9686
accordance with the contract entered into between the departments 9687
of job and family services and mental health under section 5111.91 9688
of the Revised Code and any rules adopted under division (A) of 9689
section 5119.61 of the Revised Code. 9690

If either the board or a facility or community mental health 9691
agency with which the board contracts under division (A)(8)(a) of 9692
this section proposes not to renew the contract or proposes 9693
substantial changes in contract terms, the other party shall be 9694
given written notice at least one hundred twenty days before the 9695
expiration date of the contract. During the first sixty days of 9696
this one hundred twenty-day period, both parties shall attempt to 9697
resolve any dispute through good faith collaboration and 9698
negotiation in order to continue to provide services to persons in 9699
need. If the dispute has not been resolved sixty days before the 9700
expiration date of the contract, either party may notify the 9701
department of mental health of the unresolved dispute. The 9702
director may require both parties to submit the dispute to a third 9703
party with the cost to be shared by the board and the facility or 9704
community mental health agency. The third party shall issue to the 9705
board, the facility or agency, and the department recommendations 9706

on how the dispute may be resolved twenty days prior to the 9707
expiration date of the contract, unless both parties agree to a 9708
time extension. The director shall adopt rules establishing the 9709
procedures of this dispute resolution process. 9710

(b) With the prior approval of the director of mental health, 9711
a board may operate a facility or provide a community mental 9712
health service as follows, if there is no other qualified private 9713
or public facility or community mental health agency that is 9714
immediately available and willing to operate such a facility or 9715
provide the service: 9716

(i) In an emergency situation, any board may operate a 9717
facility or provide a community mental health service in order to 9718
provide essential services for the duration of the emergency; 9719

(ii) In a service district with a population of at least one 9720
hundred thousand but less than five hundred thousand, a board may 9721
operate a facility or provide a community mental health service 9722
for no longer than one year; 9723

(iii) In a service district with a population of less than 9724
one hundred thousand, a board may operate a facility or provide a 9725
community mental health service for no longer than one year, 9726
except that such a board may operate a facility or provide a 9727
community mental health service for more than one year with the 9728
prior approval of the director and the prior approval of the board 9729
of county commissioners, or of a majority of the boards of county 9730
commissioners if the district is a joint-county district. 9731

The director shall not give a board approval to operate a 9732
facility or provide a community mental health service under 9733
division (A)(8)(b)(ii) or (iii) of this section unless the 9734
director determines that it is not feasible to have the department 9735
operate the facility or provide the service. 9736

The director shall not give a board approval to operate a 9737

facility or provide a community mental health service under 9738
division (A)(8)(b)(iii) of this section unless the director 9739
determines that the board will provide greater administrative 9740
efficiency and more or better services than would be available if 9741
the board contracted with a private or public facility or 9742
community mental health agency. 9743

The director shall not give a board approval to operate a 9744
facility previously operated by a person or other government 9745
entity unless the board has established to the director's 9746
satisfaction that the person or other government entity cannot 9747
effectively operate the facility or that the person or other 9748
government entity has requested the board to take over operation 9749
of the facility. The director shall not give a board approval to 9750
provide a community mental health service previously provided by a 9751
community mental health agency unless the board has established to 9752
the director's satisfaction that the agency cannot effectively 9753
provide the service or that the agency has requested the board 9754
take over providing the service. 9755

The director shall review and evaluate a board's operation of 9756
a facility and provision of community mental health service under 9757
division (A)(8)(b) of this section. 9758

Nothing in division (A)(8)(b) of this section authorizes a 9759
board to administer or direct the daily operation of any facility 9760
or community mental health agency, but a facility or agency may 9761
contract with a board to receive administrative services or staff 9762
direction from the board under the direction of the governing body 9763
of the facility or agency. 9764

(9) Approve fee schedules and related charges or adopt a unit 9765
cost schedule or other methods of payment for contract services 9766
provided by community mental health agencies in accordance with 9767
guidelines issued by the department as necessary to comply with 9768
state and federal laws pertaining to financial assistance; 9769

(10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the programs under the jurisdiction of the board, including a fiscal accounting;

(11) Establish, to the extent resources are available, a community support system, which provides for treatment, support, and rehabilitation services and opportunities. The essential elements of the system include, but are not limited to, the following components in accordance with section 5119.06 of the Revised Code:

(a) To locate persons in need of mental health services to inform them of available services and benefits mechanisms;

(b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Mental health care, including, but not limited to, outpatient, partial hospitalization, and, where appropriate, inpatient care;

(d) Emergency services and crisis intervention;

(e) Assistance for clients to obtain vocational services and opportunities for jobs;

(f) The provision of services designed to develop social, community, and personal living skills;

(g) Access to a wide range of housing and the provision of residential treatment and support;

(h) Support, assistance, consultation, and education for families, friends, consumers of mental health services, and others;

(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and

ethnic minorities, churches, community organizations, and 9800
meaningful employment as natural supports for consumers of mental 9801
health services; 9802

(j) Grievance procedures and protection of the rights of 9803
consumers of mental health services; 9804

(k) Case management, which includes continual individualized 9805
assistance and advocacy to ensure that needed services are offered 9806
and procured. 9807

(12) Designate the treatment program, agency, or facility for 9808
each person involuntarily committed to the board pursuant to 9809
Chapter 5122. of the Revised Code and authorize payment for such 9810
treatment. The board shall provide the least restrictive and most 9811
appropriate alternative that is available for any person 9812
involuntarily committed to it and shall assure that the services 9813
listed in section 340.09 of the Revised Code are available to 9814
severely mentally disabled persons residing within its service 9815
district. The board shall establish the procedure for authorizing 9816
payment for services, which may include prior authorization in 9817
appropriate circumstances. The board may provide for services 9818
directly to a severely mentally disabled person when life or 9819
safety is endangered and when no community mental health agency is 9820
available to provide the service. 9821

(13) Establish a method for evaluating referrals for 9822
involuntary commitment and affidavits filed pursuant to section 9823
5122.11 of the Revised Code in order to assist the probate 9824
division of the court of common pleas in determining whether there 9825
is probable cause that a respondent is subject to involuntary 9826
hospitalization and what alternative treatment is available and 9827
appropriate, if any; 9828

(14) Ensure that apartments or rooms built, subsidized, 9829
renovated, rented, owned, or leased by the board or a community 9830

mental health agency have been approved as meeting minimum fire 9831
safety standards and that persons residing in the rooms or 9832
apartments are receiving appropriate and necessary services, 9833
including culturally relevant services, from a community mental 9834
health agency. This division does not apply to residential 9835
facilities licensed pursuant to section 5119.22 of the Revised 9836
Code. 9837

(15) Establish a mechanism for involvement of consumer 9838
recommendation and advice on matters pertaining to mental health 9839
services in the alcohol, drug addiction, and mental health service 9840
district; 9841

(16) Perform the duties under section 3722.18 of the Revised 9842
Code required by rules adopted under section 5119.61 of the 9843
Revised Code regarding referrals by the board or mental health 9844
agencies under contract with the board of individuals with mental 9845
illness or severe mental disability to adult care facilities and 9846
effective arrangements for ongoing mental health services for the 9847
individuals. The board is accountable in the manner specified in 9848
the rules for ensuring that the ongoing mental health services are 9849
effectively arranged for the individuals. 9850

(B) The board shall establish such rules, operating 9851
procedures, standards, and bylaws, and perform such other duties 9852
as may be necessary or proper to carry out the purposes of this 9853
chapter. 9854

(C) A board of alcohol, drug addiction, and mental health 9855
services may receive by gift, grant, devise, or bequest any 9856
moneys, lands, or property for the benefit of the purposes for 9857
which the board is established, and may hold and apply it 9858
according to the terms of the gift, grant, or bequest. All money 9859
received, including accrued interest, by gift, grant, or bequest 9860
shall be deposited in the treasury of the county, the treasurer of 9861
which is custodian of the alcohol, drug addiction, and mental 9862

health services funds to the credit of the board and shall be 9863
available for use by the board for purposes stated by the donor or 9864
grantor. 9865

(D) No board member or employee of a board of alcohol, drug 9866
addiction, and mental health services shall be liable for injury 9867
or damages caused by any action or inaction taken within the scope 9868
of the board member's official duties or the employee's 9869
employment, whether or not such action or inaction is expressly 9870
authorized by this section, section 340.033, or any other section 9871
of the Revised Code, unless such action or inaction constitutes 9872
willful or wanton misconduct. Chapter 2744. of the Revised Code 9873
applies to any action or inaction by a board member or employee of 9874
a board taken within the scope of the board member's official 9875
duties or employee's employment. For the purposes of this 9876
division, the conduct of a board member or employee shall not be 9877
considered willful or wanton misconduct if the board member or 9878
employee acted in good faith and in a manner that the board member 9879
or employee reasonably believed was in or was not opposed to the 9880
best interests of the board and, with respect to any criminal 9881
action or proceeding, had no reasonable cause to believe the 9882
conduct was unlawful. 9883

(E) The meetings held by any committee established by a board 9884
of alcohol, drug addiction, and mental health services shall be 9885
considered to be meetings of a public body subject to section 9886
121.22 of the Revised Code. 9887

Sec. 505.37. (A) The board of township trustees may establish 9888
all necessary rules to guard against the occurrence of fires and 9889
to protect the property and lives of the citizens against damage 9890
and accidents, and may, with the approval of the specifications by 9891
the prosecuting attorney or, if the township has adopted limited 9892
home rule government under Chapter 504. of the Revised Code, with 9893

the approval of the specifications by the township's law director, 9894
purchase, lease, lease with an option to purchase, or otherwise 9895
provide any fire apparatus, mechanical resuscitators, or other 9896
equipment, appliances, materials, fire hydrants, and water supply 9897
for fire-fighting purposes that seems advisable to the board. The 9898
board shall provide for the care and maintenance of fire 9899
equipment, and, for these purposes, may purchase, lease, lease 9900
with an option to purchase, or construct and maintain necessary 9901
buildings, and it may establish and maintain lines of fire-alarm 9902
communications within the limits of the township. The board may 9903
employ one or more persons to maintain and operate fire-fighting 9904
equipment, or it may enter into an agreement with a volunteer fire 9905
company for the use and operation of fire-fighting equipment. The 9906
board may compensate the members of a volunteer fire company on 9907
any basis and in any amount that it considers equitable. 9908

9909
When the estimated cost to purchase fire apparatus, 9910
mechanical resuscitators, other equipment, appliances, materials, 9911
fire hydrants, buildings, or fire-alarm communications equipment 9912
or services exceeds fifty thousand dollars, the contract shall be 9913
let by competitive bidding. When competitive bidding is required, 9914
the board shall advertise for not less than two nor more than four 9915
consecutive weeks in a newspaper of general circulation within the 9916
township. The advertisement shall include the time, date, and 9917
place where the clerk of the township, or the clerk's designee, 9918
will read bids publicly. The time, date, and place of bid openings 9919
may be extended to a later date by the board of township trustees, 9920
provided that written or oral notice of the change shall be given 9921
to all persons who have received or requested specifications not 9922
later than ninety-six hours prior to the original time and date 9923
fixed for the opening. The board may reject all the bids or accept 9924
the lowest and best bid, provided that the successful bidder meets 9925
the requirements of section 153.54 of the Revised Code when the 9926

contract is for the construction, demolition, alteration, repair, 9927
or reconstruction of an improvement. 9928

(B) The boards of township trustees of any two or more 9929
townships, or the legislative authorities of any two or more 9930
political subdivisions, or any combination of these, may, through 9931
joint action, unite in the joint purchase, lease, lease with an 9932
option to purchase, maintenance, use, and operation of 9933
fire-fighting equipment, or for any other purpose designated in 9934
sections 505.37 to 505.42 of the Revised Code, and may prorate the 9935
expense of the joint action on any terms that are mutually agreed 9936
upon. 9937

(C) The board of township trustees of any township may, by 9938
resolution, whenever it is expedient and necessary to guard 9939
against the occurrence of fires or to protect the property and 9940
lives of the citizens against damages resulting from their 9941
occurrence, create a fire district of any portions of the township 9942
that it considers necessary. The board may purchase, lease, lease 9943
with an option to purchase, or otherwise provide any fire 9944
apparatus, appliances, materials, fire hydrants, and water supply 9945
for fire-fighting purposes, or may contract for the fire 9946
protection for the fire district as provided in section 9.60 of 9947
the Revised Code. The fire district so created shall be given a 9948
separate name by which it shall be known. 9949

Additional unincorporated territory of the township may be 9950
added to a fire district upon the board's adoption of a resolution 9951
authorizing the addition. A municipal corporation that is within 9952
or adjoining the township may be added to a fire district upon the 9953
board's adoption of a resolution authorizing the addition and the 9954
municipal legislative authority's adoption of a resolution or 9955
ordinance requesting the addition of the municipal corporation to 9956
the fire district. 9957

If the township fire district imposes a tax, additional 9958

unincorporated territory of the township or a municipal 9959
corporation that is within or adjoining the township shall become 9960
part of the fire district only after all of the following have 9961
occurred: 9962

(1) Adoption by the board of township trustees of a 9963
resolution approving the expansion of the territorial limits of 9964
the district and, if the resolution proposes to add a municipal 9965
corporation, adoption by the municipal legislative authority of a 9966
resolution or ordinance requesting the addition of the municipal 9967
corporation to the district; 9968

(2) Adoption by the board of township trustees of a 9969
resolution recommending the extension of the tax to the additional 9970
territory; 9971

(3) Approval of the tax by the electors of the territory 9972
proposed for addition to the district. 9973

Each resolution of the board adopted under division (C)(2) of 9974
this section shall state the name of the fire district, a 9975
description of the territory to be added, and the rate and 9976
termination date of the tax, which shall be the rate and 9977
termination date of the tax currently in effect in the fire 9978
district. 9979

The board of trustees shall certify each resolution adopted 9980
under division (C)(2) of this section to the board of elections in 9981
accordance with section 5705.19 of the Revised Code. The election 9982
required under division (C)(3) of this section shall be held, 9983
canvassed, and certified in the manner provided for the submission 9984
of tax levies under section 5705.25 of the Revised Code, except 9985
that the question appearing on the ballot shall read: 9986

"Shall the territory within 9987
(description of the proposed territory to be added) be added to 9988
..... (name) fire district, and a property tax 9989

at a rate of taxation not exceeding (here insert tax rate) 9990
be in effect for (here insert the number of years the 9991
tax is to be in effect or "a continuing period of time," as 9992
applicable)?" 9993

If the question is approved by at least a majority of the 9994
electors voting on it, the joinder shall be effective as of the 9995
first day of July of the year following approval, and on that 9996
date, the township fire district tax shall be extended to the 9997
taxable property within the territory that has been added. If the 9998
territory that has been added is a municipal corporation and if it 9999
had adopted a tax levy for fire purposes, the levy is terminated 10000
on the effective date of the joinder. 10001

Any municipal corporation may withdraw from a township fire 10002
district created under division (C) of this section by the 10003
adoption by the municipal legislative authority of a resolution or 10004
ordinance ordering withdrawal. On the first day of July of the 10005
year following the adoption of the resolution or ordinance of 10006
withdrawal, the municipal corporation withdrawing ceases to be a 10007
part of the district, and the power of the fire district to levy a 10008
tax upon taxable property in the withdrawing municipal corporation 10009
terminates, except that the fire district shall continue to levy 10010
and collect taxes for the payment of indebtedness within the 10011
territory of the fire district as it was composed at the time the 10012
indebtedness was incurred. 10013

Upon the withdrawal of any municipal corporation from a 10014
township fire district created under division (C) of this section, 10015
the county auditor shall ascertain, apportion, and order a 10016
division of the funds on hand, moneys and taxes in the process of 10017
collection except for taxes levied for the payment of 10018
indebtedness, credits, and real and personal property, either in 10019
money or in kind, on the basis of the valuation of the respective 10020
tax duplicates of the withdrawing municipal corporation and the 10021

remaining territory of the fire district. 10022

A board of township trustees may remove unincorporated 10023
territory of the township from the fire district upon the adoption 10024
of a resolution authorizing the removal. On the first day of July 10025
of the year following the adoption of the resolution, the 10026
unincorporated township territory described in the resolution 10027
ceases to be a part of the district, and the power of the fire 10028
district to levy a tax upon taxable property in that territory 10029
terminates, except that the fire district shall continue to levy 10030
and collect taxes for the payment of indebtedness within the 10031
territory of the fire district as it was composed at the time the 10032
indebtedness was incurred. 10033

(D) The board of township trustees of any township, the board 10034
of fire district trustees of a fire district created under section 10035
505.371 of the Revised Code, or the legislative authority of any 10036
municipal corporation may purchase, lease, or lease with an option 10037
to purchase the necessary fire-fighting equipment, buildings, and 10038
sites for the township, fire district, or municipal corporation 10039
and issue securities for that purpose with maximum maturities as 10040
provided in section 133.20 of the Revised Code. The board of 10041
township trustees, board of fire district trustees, or legislative 10042
authority may also construct any buildings necessary to house 10043
fire-fighting equipment and issue securities for that purpose with 10044
maximum maturities as provided in section 133.20 of the Revised 10045
Code. 10046

The board of township trustees, board of fire district 10047
trustees, or legislative authority may issue the securities of the 10048
township, fire district, or municipal corporation, signed by the 10049
board or designated officer of the municipal corporation and 10050
attested by the signature of the township fiscal officer, fire 10051
district clerk, or municipal clerk, covering any deferred payments 10052
and payable at the times provided, which securities shall bear 10053

interest not to exceed the rate determined as provided in section 10054
9.95 of the Revised Code, and shall not be subject to Chapter 133. 10055
of the Revised Code. The legislation authorizing the issuance of 10056
the securities shall provide for levying and collecting annually 10057
by taxation, amounts sufficient to pay the interest on and 10058
principal of the securities. The securities shall be offered for 10059
sale on the open market or given to the vendor or contractor if no 10060
sale is made. 10061

Section 505.40 of the Revised Code does not apply to any 10062
securities issued, or any lease with an option to purchase entered 10063
into, in accordance with this division. 10064

(E) A board of township trustees of any township or a board 10065
of fire district trustees of a fire district created under section 10066
505.371 of the Revised Code may purchase a policy or policies of 10067
liability insurance for the officers, employees, and appointees of 10068
the fire department, fire district, or joint fire district 10069
governed by the board that includes personal injury liability 10070
coverage as to the civil liability of those officers, employees, 10071
and appointees for false arrest, detention, or imprisonment, 10072
malicious prosecution, libel, slander, defamation or other 10073
violation of the right of privacy, wrongful entry or eviction, or 10074
other invasion of the right of private occupancy, arising out of 10075
the performance of their duties. 10076

When a board of township trustees cannot, by deed of gift or 10077
by purchase and upon terms it considers reasonable, procure land 10078
for a township fire station that is needed in order to respond in 10079
reasonable time to a fire or medical emergency, the board may 10080
appropriate land for that purpose under sections 163.01 to 163.22 10081
of the Revised Code. If it is necessary to acquire additional 10082
adjacent land for enlarging or improving the fire station, the 10083
board may purchase, appropriate, or accept a deed of gift for the 10084
land for these purposes. 10085

(F) As used in this division, "emergency medical service organization" has the same meaning as in section 4766.01 of the Revised Code. 10086
10087
10088

A board of township trustees, by adoption of an appropriate resolution, may choose to have the Ohio medical transportation board license any emergency medical service organization it operates. If the board adopts such a resolution, Chapter 4766. of the Revised Code, except for sections 4766.06 and 4766.99 of the Revised Code, applies to the organization. All rules adopted under the applicable sections of that chapter also apply to the organization. A board of township trustees, by adoption of an appropriate resolution, may remove its emergency medical service organization from the jurisdiction of the Ohio medical transportation board. 10089
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Sec. 505.376. When any expenditure of a fire and ambulance district, other than for the compensation of district employees, exceeds ~~twenty-five~~ fifty thousand dollars, the contract for the expenditure shall be in writing and made with the lowest and best bidder after advertising for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the district. The bids shall be opened and shall be publicly read by the clerk of the district, or the clerk's designee, at the time, date, and place specified in the advertisement to bidders or the specifications. The time, date, and place of bid openings may be extended to a later date by the board of trustees of the district, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. 10100
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Each bid on any contract shall contain the full name of every person interested in the bid. If the bid is for a contract for the 10115
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construction, demolition, alteration, repair, or reconstruction of 10117
an improvement, it shall meet the requirements of section 153.54 10118
of the Revised Code. If the bid is for any other contract, it 10119
shall be accompanied by a sufficient bond or certified check, 10120
cashier's check, or money order on a solvent bank or savings and 10121
loan association that, if the bid is accepted, a contract will be 10122
entered into and the performance of it will be properly secured. 10123
If the bid for work embraces both labor and material, it shall be 10124
separately stated, with the price of the labor and the material. 10125
The board may reject any and all bids. The contract shall be 10126
between the district and the bidder, and the district shall pay 10127
the contract price in cash. When a bonus is offered for completion 10128
of a contract prior to a specified date, the board may exact a 10129
prorated penalty in like sum for each day of delay beyond the 10130
specified date. When there is reason to believe there is collusion 10131
or combination among bidders, the bids of those concerned shall be 10132
rejected. 10133

Sec. 505.705. A board of township trustees may agree to 10134
appropriate township general revenue fund moneys to, and may agree 10135
to grant or lend moneys from the township general revenue fund to, 10136
any political subdivision with authority to provide water ~~or,~~ 10137
sanitary sewerage services, or both, to storm water drainage 10138
within the township, for the purpose of providing moneys to the 10139
political subdivision to pay for the planning of or actual costs, 10140
fees, debt retirement, or any other expense, including, but not 10141
limited to, administrative and professional fees, incurred in 10142
supplying one or more of these purposes within the township, or 10143
the planning of or actual construction, maintenance, repair, ~~and~~ 10144
or operation of water ~~or, sanitary sewerage systems, or both, that~~ 10145
service storm water drainage within the township. A board of 10146
township trustees that grants or lends moneys to a political 10147
subdivision for this purpose shall expressly state the terms of 10148

the grant or loan agreement in a written memorandum. 10149

Sec. 517.08. The proceeds arising from the sale of cemetery 10150
lots under section 517.07 of the Revised Code shall be used in 10151
maintaining, improving, beautifying, and embellishing such 10152
grounds, except that upon unanimous consent of the board of 10153
township trustees, such proceeds may be used in the purchase or 10154
appropriation of additional land for cemetery purposes in 10155
accordance with sections 517.01 and 517.13 of the Revised Code; 10156
and the board of township trustees may build and maintain proper 10157
and secure fences around all such cemeteries, to be paid for from 10158
the township funds. 10159

Sec. 519.12. (A)(1) Amendments to the zoning resolution may 10160
be initiated by motion of the township zoning commission, by the 10161
passage of a resolution by the board of township trustees, or by 10162
the filing of an application by one or more of the owners or 10163
lessees of property within the area proposed to be changed or 10164
affected by the proposed amendment with the township zoning 10165
commission. The board of township trustees may require that the 10166
owner or lessee of property filing an application to amend the 10167
zoning resolution pay a fee to defray the cost of advertising, 10168
mailing, filing with the county recorder, and other expenses. If 10169
the board of township trustees requires such a fee, it shall be 10170
required generally, for each application. The board of township 10171
trustees, upon the passage of such a resolution, shall certify it 10172
to the township zoning commission. 10173

(2) Upon the adoption of a motion by the township zoning 10174
commission, the certification of a resolution by the board of 10175
township trustees to the commission, or the filing of an 10176
application by property owners or lessees as described in division 10177
(A)(1) of this section with the commission, the commission shall 10178
set a date for a public hearing, which date shall not be less than 10179

twenty nor more than forty days from the date of the certification 10180
of such a resolution, the date of adoption of such a motion, or 10181
the date of the filing of such an application. Notice of the 10182
hearing shall be given by the commission by one publication in one 10183
or more newspapers of general circulation in the township at least 10184
ten days before the date of the hearing. 10185

(B) If the proposed amendment intends to rezone or redistrict 10186
ten or fewer parcels of land, as listed on the county auditor's 10187
current tax list, written notice of the hearing shall be mailed by 10188
the township zoning commission, by first class mail, at least ten 10189
days before the date of the public hearing to all owners of 10190
property within and contiguous to and directly across the street 10191
from the area proposed to be rezoned or redistricted to the 10192
addresses of those owners appearing on the county auditor's 10193
current tax list. The failure of delivery of that notice shall not 10194
invalidate any such amendment. 10195

(C) If the proposed amendment intends to rezone or redistrict 10196
ten or fewer parcels of land as listed on the county auditor's 10197
current tax list, the published and mailed notices shall set forth 10198
the time, date, and place of the public hearing and include all of 10199
the following: 10200

(1) The name of the township zoning commission that will be 10201
conducting the hearing; 10202

(2) A statement indicating that the motion, resolution, or 10203
application is an amendment to the zoning resolution; 10204

(3) A list of the addresses of all properties to be rezoned 10205
or redistricted by the proposed amendment and of the names of 10206
owners of those properties, as they appear on the county auditor's 10207
current tax list; 10208

(4) The present zoning classification of property named in 10209
the proposed amendment and the proposed zoning classification of 10210

that property; 10211

(5) The time and place where the motion, resolution, or 10212
application proposing to amend the zoning resolution will be 10213
available for examination for a period of at least ten days prior 10214
to the hearing; 10215

(6) The name of the person responsible for giving notice of 10216
the hearing by publication, by mail, or by both publication and 10217
mail; 10218

(7) A statement that, after the conclusion of the hearing, 10219
the matter will be submitted to the board of township trustees for 10220
its action; 10221

(8) Any other information requested by the commission. 10222

(D) If the proposed amendment alters the text of the zoning 10223
resolution, or rezones or redistricts more than ten parcels of 10224
land as listed on the county auditor's current tax list, the 10225
published notice shall set forth the time, date, and place of the 10226
public hearing and include all of the following: 10227

(1) The name of the township zoning commission that will be 10228
conducting the hearing on the proposed amendment; 10229

(2) A statement indicating that the motion, application, or 10230
resolution is an amendment to the zoning resolution; 10231

(3) The time and place where the text and maps of the 10232
proposed amendment will be available for examination for a period 10233
of at least ten days prior to the hearing; 10234

(4) The name of the person responsible for giving notice of 10235
the hearing by publication; 10236

(5) A statement that, after the conclusion of the hearing, 10237
the matter will be submitted to the board of township trustees for 10238
its action; 10239

(6) Any other information requested by the commission. 10240

(E) Within five days after the adoption of the motion 10241
described in division (A) of this section, the certification of 10242
the resolution described in division (A) of this section, or the 10243
filing of the application described in division (A) of this 10244
section, the township zoning commission shall transmit a copy of 10245
it together with text and map pertaining to it to the county or 10246
regional planning commission, if there is such a commission. 10247

The county or regional planning commission shall recommend 10248
the approval or denial of the proposed amendment or the approval 10249
of some modification of it and shall submit its recommendation to 10250
the township zoning commission. The recommendation shall be 10251
considered at the public hearing held by the township zoning 10252
commission on the proposed amendment. 10253

The township zoning commission, within thirty days after the 10254
hearing, shall recommend the approval or denial of the proposed 10255
amendment, or the approval of some modification of it, and submit 10256
that recommendation together with the motion, application, or 10257
resolution involved, the text and map pertaining to the proposed 10258
amendment, and the recommendation of the county or regional 10259
planning commission on it to the board of township trustees. 10260

The board of township trustees, upon receipt of that 10261
recommendation, shall set a time for a public hearing on the 10262
proposed amendment, which date shall not be more than thirty days 10263
from the date of the receipt of that recommendation. Notice of the 10264
hearing shall be given by the board by one publication in one or 10265
more newspapers of general circulation in the township, at least 10266
ten days before the date of the hearing. 10267

(F) If the proposed amendment intends to rezone or redistrict 10268
ten or fewer parcels of land as listed on the county auditor's 10269
current tax list, the published notice shall set forth the time, 10270
date, and place of the public hearing and include all of the 10271
following: 10272

(1) The name of the board of township trustees that will be conducting the hearing;	10273 10274
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	10275 10276
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;	10277 10278 10279 10280
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	10281 10282 10283
(5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;	10284 10285 10286 10287
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	10288 10289 10290
(7) Any other information requested by the board.	10291
(G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	10292 10293 10294 10295 10296
(1) The name of the board of township trustees that will be conducting the hearing on the proposed amendment;	10297 10298
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	10299 10300
(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period	10301 10302

of at least ten days prior to the hearing; 10303

(4) The name of the person responsible for giving notice of 10304
the hearing by publication; 10305

(5) Any other information requested by the board. 10306

(H) Within twenty days after its public hearing, the board of 10307
township trustees shall either adopt or deny the recommendations 10308
of the township zoning commission or adopt some modification of 10309
them. If the board denies or modifies the commission's 10310
recommendations, ~~the unanimous~~ a two-thirds vote of the board 10311
shall be required. 10312

The proposed amendment, if adopted by the board, shall become 10313
effective in thirty days after the date of its adoption, unless, 10314
within thirty days after the adoption, there is presented to the 10315
board of township trustees a petition, signed by a number of 10316
registered electors residing in the unincorporated area of the 10317
township or part of that unincorporated area included in the 10318
zoning plan equal to not less than eight per cent of the total 10319
vote cast for all candidates for governor in that area at the most 10320
recent general election at which a governor was elected, 10321
requesting the board of township trustees to submit the amendment 10322
to the electors of that area for approval or rejection at a 10323
special election to be held on the day of the next primary or 10324
general election that occurs at least seventy-five days after the 10325
petition is filed. Each part of this petition shall contain the 10326
number and the full and correct title, if any, of the zoning 10327
amendment resolution, motion, or application, furnishing the name 10328
by which the amendment is known and a brief summary of its 10329
contents. In addition to meeting the requirements of this section, 10330
each petition shall be governed by the rules specified in section 10331
3501.38 of the Revised Code. 10332

The form of a petition calling for a zoning referendum and 10333

the statement of the circulator shall be substantially as follows: 10334

"PETITION FOR ZONING REFERENDUM 10335

(if the proposal is identified by a particular name or number, or 10336
both, these should be inserted here) 10337

A proposal to amend the zoning map of the unincorporated area 10338
of Township, County, Ohio, adopted 10339
.....(date)..... (followed by brief summary of the proposal). 10340

To the Board of Township Trustees of 10341
Township, County, Ohio: 10342

~~..... County, Ohio:~~ 10343

We, the undersigned, being electors residing in the 10344
unincorporated area of Township, included 10345
within the Township Zoning Plan, equal to not less 10346
than eight per cent of the total vote cast for all candidates for 10347
governor in the area at the preceding general election at which a 10348
governor was elected, request the Board of Township Trustees to 10349
submit this amendment of the zoning resolution to the electors of 10350
..... Township residing within the 10351
unincorporated area of the township included in the 10352
..... Township Zoning Resolution, for approval or 10353
rejection at a special election to be held on the day of the 10354
primary or general election to be held on(date)....., 10355
pursuant to section 519.12 of the Revised Code. 10356

Street Address	Date of	10357
Signature or R.F.D. Township Precinct County	Signing	10358
.....		10359
.....		10360

STATEMENT OF CIRCULATOR 10361

I,(name of circulator)....., declare under 10362
penalty of election falsification that I am an elector of the 10363

state of Ohio and reside at the address appearing below my 10364
signature; that I am the circulator of the foregoing part petition 10365
containing(number)..... signatures; that I have 10366
witnessed the affixing of every signature; that all signers were 10367
to the best of my knowledge and belief qualified to sign; and that 10368
every signature is to the best of my knowledge and belief the 10369
signature of the person whose signature it purports to be or of an 10370
attorney in fact acting pursuant to section 3501.382 of the 10371
Revised Code. 10372

..... 10373
(Signature of circulator) 10374
..... 10375
(Address of circulator's permanent 10376
residence in this state) 10377
..... 10378
(City, village, or township, 10379
and zip code) 10380

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 10381
OF THE FIFTH DEGREE." 10382

The petition shall be filed with the board of township 10383
trustees and shall be accompanied by an appropriate map of the 10384
area affected by the zoning proposal. Within two weeks after 10385
receiving a petition filed under this section, the board of 10386
township trustees shall certify the petition to the board of 10387
elections. A petition filed under this section shall be certified 10388
to the board of elections not less than seventy-five days prior to 10389
the election at which the question is to be voted upon. 10390

The board of elections shall determine the sufficiency and 10391
validity of each petition certified to it by a board of township 10392
trustees under this section. If the board of elections determines 10393
that a petition is sufficient and valid, the question shall be 10394
voted upon at a special election to be held on the day of the next 10395

primary or general election that occurs at least seventy-five days 10396
after the date the petition is filed with the board of township 10397
trustees, regardless of whether any election will be held to 10398
nominate or elect candidates on that day. 10399

No amendment for which such a referendum vote has been 10400
requested shall be put into effect unless a majority of the vote 10401
cast on the issue is in favor of the amendment. Upon certification 10402
by the board of elections that the amendment has been approved by 10403
the voters, it shall take immediate effect. 10404

Within five working days after an amendment's effective date, 10405
the board of township trustees shall file the text and maps of the 10406
amendment in the office of the county recorder and with the county 10407
or regional planning commission, if one exists. 10408

The failure to file any amendment, or any text and maps, or 10409
duplicates of any of these documents, with the office of the 10410
county recorder or the county or regional planning commission as 10411
required by this section does not invalidate the amendment and is 10412
not grounds for an appeal of any decision of the board of zoning 10413
appeals. 10414

Sec. 521.01. (A) As used in this chapter, "private sewage 10415
collection tile" means any tile, ditch, pipe, or other improvement 10416
installed by a private person to receive and convey sewage and 10417
sewage effluent from at least five household sewage ~~treatment~~ 10418
disposal systems, as those systems are defined in rules adopted by 10419
the public health council under section ~~3718.01~~ 3701.34 of the 10420
Revised Code. 10421

(B) A board of township trustees may maintain and repair 10422
private sewage collection tiles located within a township road 10423
right-of-way in the township, where the expenditure from the 10424
township general fund for materials to maintain and repair the 10425
tiles does not exceed two hundred dollars for any one project. No 10426

maintenance or repair shall be performed that is paid for from the township general fund under this division until the board adopts a resolution authorizing the maintenance or repair. If material costs would exceed two hundred dollars, the board may proceed under this chapter to maintain and repair the tiles by assessing the cost against property based on the special benefits the property receives from the project.

Sec. 711.05. (A) Upon the submission of a plat for approval, in accordance with section 711.041 of the Revised Code, the board of county commissioners shall certify on it the date of the submission. Within five days of submission of the plat, the board shall schedule a meeting to consider the plat and send a written notice by regular mail to the fiscal officer of the board of township trustees of the township in which the plat is located ~~and the board of health of the health district in which the plat is located~~. The notice shall inform the trustees ~~and the board of health~~ of the submission of the plat and of the date, time, and location of any meeting at which the board of county commissioners will consider or act upon the proposed plat. The meeting shall take place within thirty days of submission of the plat, and no meeting shall be held until at least seven days have passed from the date the notice was sent by the board of county commissioners. The approval of the board required by section 711.041 of the Revised Code or the refusal to approve shall take place within thirty days from the date of submission or such further time as the applying party may agree to in writing; otherwise, the plat is deemed approved and may be recorded as if bearing such approval.

(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 10459
congestion of population detrimental to the public health, safety, 10460
or welfare, but shall not impose a greater minimum lot area than 10461
forty-eight hundred square feet. Before the board may amend or 10462
adopt rules, it shall notify all the townships in the county of 10463
the proposed amendments or rules by regular mail at least thirty 10464
days before the public meeting at which the proposed amendments or 10465
rules are to be considered. 10466

The rules may require the ~~board~~ county department of health 10467
to review and comment on a plat before the board of county 10468
commissioners acts upon it and may also require proof of 10469
compliance with any applicable zoning resolutions, ~~and with~~ 10470
~~household sewage treatment rules adopted under section 3718.02 of~~ 10471
~~the Revised Code,~~ as a basis for approval of a plat. Where under 10472
section 711.101 of the Revised Code the board of county 10473
commissioners has set up standards and specifications for the 10474
construction of streets, utilities, and other improvements for 10475
common use, the general rules may require the submission of 10476
appropriate plans and specifications for approval. The board shall 10477
not require the person submitting the plat to alter the plat or 10478
any part of it as a condition for approval, as long as the plat is 10479
in accordance with general rules governing plats and subdivisions 10480
of land, adopted by the board as provided in this section, in 10481
effect at the time the plat was submitted and the plat is in 10482
accordance with any standards and specifications set up under 10483
section 711.101 of the Revised Code, in effect at the time the 10484
plat was submitted. 10485

(C) The ground of refusal to approve any plat, submitted in 10486
accordance with section 711.041 of the Revised Code, shall be 10487
stated upon the record of the board, and, within sixty days 10488
thereafter, the person submitting any plat that the board refuses 10489
to approve may file a petition in the court of common pleas of the 10490

county in which the land described in the plat is situated to 10491
review the action of the board. A board of township trustees is 10492
not entitled to appeal a decision of the board of county 10493
commissioners under this section. 10494

Sec. 711.10. (A) Whenever a county planning commission or a 10495
regional planning commission adopts a plan for the major streets 10496
or highways of the county or region, no plat of a subdivision of 10497
land within the county or region, other than land within a 10498
municipal corporation or land within three miles of a city or one 10499
and one-half miles of a village as provided in section 711.09 of 10500
the Revised Code, shall be recorded until it is approved by the 10501
county or regional planning commission under division (C) of this 10502
section and the approval is endorsed in writing on the plat. 10503

(B) A county or regional planning commission may require the 10504
submission of a preliminary plan for each plat sought to be 10505
recorded. If the commission requires this submission, it shall 10506
provide for a review process for the preliminary plan. Under this 10507
review process, the planning commission shall give its approval, 10508
its approval with conditions, or its disapproval of each 10509
preliminary plan. The commission's decision shall be in writing, 10510
shall be under the signature of the secretary of the commission, 10511
and shall be issued within thirty-five business days after the 10512
submission of the preliminary plan to the commission. The 10513
disapproval of a preliminary plan shall state the reasons for the 10514
disapproval. A decision of the commission under this division is 10515
preliminary to and separate from the commission's decision to 10516
approve, conditionally approve, or refuse to approve a plat under 10517
division (C) of this section. 10518

(C) Within five calendar days after the submission of a plat 10519
for approval under this division, the county or regional planning 10520
commission shall schedule a meeting to consider the plat and send 10521

a notice by regular mail or by electronic mail to the fiscal 10522
officer of the board of township trustees of the township in which 10523
the plat is located ~~and the board of health of the health district~~ 10524
~~in which the plat is located.~~ The notice shall inform the trustees 10525
~~and the board of health~~ of the submission of the plat and of the 10526
date, time, and location of any meeting at which the county or 10527
regional planning commission will consider or act upon the plat. 10528
The meeting shall take place within thirty calendar days after 10529
submission of the plat, and no meeting shall be held until at 10530
least seven calendar days have passed from the date the planning 10531
commission sent the notice. 10532

The approval of the county or regional planning commission, 10533
the commission's conditional approval as described in this 10534
division, or the refusal of the commission to approve shall be 10535
endorsed on the plat within thirty calendar days after the 10536
submission of the plat for approval under this division or within 10537
such further time as the applying party may agree to in writing; 10538
otherwise that plat is deemed approved, and the certificate of the 10539
commission as to the date of the submission of the plat for 10540
approval under this division and the failure to take action on it 10541
within that time shall be sufficient in lieu of the written 10542
endorsement or evidence of approval required by this division. 10543

A county or regional planning commission may grant 10544
conditional approval under this division to a plat by requiring a 10545
person submitting the plat to alter the plat or any part of it, 10546
within a specified period after the end of the thirty calendar 10547
days, as a condition for final approval under this division. Once 10548
all the conditions have been met within the specified period, the 10549
commission shall cause its final approval under this division to 10550
be endorsed on the plat. No plat shall be recorded until it is 10551
endorsed with the commission's final or unconditional approval 10552
under this division. 10553

The ground of refusal of approval of any plat submitted under this division, including citation of or reference to the rule violated by the plat, shall be stated upon the record of the county or regional planning commission. Within sixty calendar days after the refusal under this division, the person submitting any plat that the commission refuses to approve under this division may file a petition in the court of common pleas of the proper county, and the proceedings on the petition shall be governed by section 711.09 of the Revised Code as in the case of the refusal of a planning authority to approve a plat. A board of township trustees is not entitled to appeal a decision of the commission under this division.

A county or regional planning commission shall adopt general rules, of uniform application, governing plats and subdivisions of land falling within its jurisdiction, to secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the county or regional plan, for adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air, and for the avoidance of congestion of population. The rules may provide for their modification by the commission in specific cases where unusual topographical and other exceptional conditions require the modification. The rules may require the ~~board~~ county department of health to review and comment on a plat before the commission acts upon it and also may 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.

Before adoption of its rules or amendment of its rules, the commission shall hold a public hearing on the adoption or amendment. Notice of the public hearing shall be sent to all townships in the county or region by regular mail or electronic

mail at least thirty business days before the hearing. No county 10586
or regional planning commission shall adopt any rules requiring 10587
actual construction of streets or other improvements or facilities 10588
or assurance of that construction as a condition precedent to the 10589
approval of a plat of a subdivision unless the requirements have 10590
first been adopted by the board of county commissioners after a 10591
public hearing. A copy of the rules shall be certified by the 10592
planning commission to the county recorders of the appropriate 10593
counties. 10594

After a county or regional street or highway plan has been 10595
adopted as provided in this section, the approval of plats and 10596
subdivisions provided for in this section shall be in lieu of any 10597
approvals provided for in other sections of the Revised Code, 10598
insofar as the territory within the approving jurisdiction of the 10599
county or regional planning commission, as provided in this 10600
section, is concerned. Approval of a plat shall not be an 10601
acceptance by the public of the dedication of any street, highway, 10602
or other way or open space shown upon the plat. 10603

No county or regional planning commission shall require a 10604
person submitting a plat to alter the plat or any part of it as 10605
long as the plat is in accordance with the general rules governing 10606
plats and subdivisions of land, adopted by the commission as 10607
provided in this section, in effect at the time the plat is 10608
submitted. 10609

A county or regional planning commission and a city or 10610
village planning commission, or platting commissioner or 10611
legislative authority of a village, with subdivision regulation 10612
jurisdiction over unincorporated territory within the county or 10613
region may cooperate and agree by written agreement that the 10614
approval of a plat by the city or village planning commission, or 10615
platting commissioner or legislative authority of a village, as 10616
provided in section 711.09 of the Revised Code, shall be 10617

conditioned upon receiving advice from or approval by the county 10618
or regional planning commission. 10619

(D) As used in this section, "business day" means a day of 10620
the week excluding Saturday, Sunday, or a legal holiday as defined 10621
in section 1.14 of the Revised Code. 10622

Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13 10623
of the Revised Code and except as provided in division (C) of this 10624
section, unless the rules adopted under section 711.05, 711.09, or 10625
711.10 of the Revised Code are amended pursuant to division (B) of 10626
this section, a proposed division of a parcel of land along an 10627
existing public street, not involving the opening, widening, or 10628
extension of any street or road, and involving no more than five 10629
lots after the original tract has been completely subdivided, may 10630
be submitted to the planning authority having approving 10631
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 10632
the Revised Code for approval without plat. If the authority 10633
acting through a properly designated representative finds that a 10634
proposed division is not contrary to applicable platting, 10635
subdividing, zoning, health, sanitary, or access management 10636
regulations, or regulations adopted under division (B)(3) of 10637
section 307.37 of the Revised Code regarding existing surface or 10638
subsurface drainage, ~~or household sewage treatment rules adopted~~ 10639
~~under section 3718.02 of the Revised Code, including, but not~~ 10640
~~limited to, rules governing household sewage disposal systems,~~ it 10641
shall approve the proposed division within seven business days 10642
after its submission and, on presentation of a conveyance of the 10643
parcel, shall stamp the conveyance "approved by (planning 10644
authority); no plat required" and have it signed by its clerk, 10645
secretary, or other official as may be designated by it. The 10646
planning authority may require the submission of a sketch and 10647
other information that is pertinent to its determination under 10648
this division. 10649

(B) For a period of up to two years after ~~the effective date~~ 10650
~~of this amendment~~ April 15, 2005, the rules adopted under section 10651
711.05, 711.09, or 711.10 of the Revised Code may be amended 10652
within that period to authorize the planning authority involved to 10653
approve proposed divisions of parcels of land without plat under 10654
this division. If an authority so amends its rules, it may approve 10655
no more than five lots without a plat from an original tract as 10656
that original tract exists on the effective date of the amendment 10657
to the rules. The authority shall make the findings and approve a 10658
proposed division in the time and manner specified in division (A) 10659
of this section. 10660

(C) This section does not apply to parcels subject to section 10661
711.133 of the Revised Code. 10662

(D) As used in this section: 10663

~~(1)~~, "Business business day" means a day of the week 10664
excluding Saturday, Sunday, or a legal holiday as defined in 10665
section 1.14 of the Revised Code. 10666

~~(2) "Household sewage disposal system" has the same meaning~~ 10667
~~as in section 3709.091 of the Revised Code.~~ 10668

Sec. 718.051. (A) As used in this section, "Ohio business 10669
gateway" means the online computer network system, ~~initially~~ 10670
~~created~~ maintained by the ~~department of administrative services~~ 10671
office of information technology under section ~~125.30~~ 126.18 of 10672
the Revised Code, that allows private businesses to electronically 10673
file business reply forms with state agencies and includes any 10674
successor electronic filing and payment system. 10675

(B) Notwithstanding section 718.05 of the Revised Code, on 10676
and after January 1, 2005, any taxpayer that is subject to any 10677
municipal corporation's tax on the net profit from a business or 10678
profession and has received an extension to file the federal 10679

income tax return shall not be required to notify the municipal 10680
corporation of the federal extension and shall not be required to 10681
file any municipal income tax return until the last day of the 10682
month to which the due date for filing the federal return has been 10683
extended, provided that, on or before the date for filing the 10684
municipal income tax return, the person notifies the tax 10685
commissioner of the federal extension through the Ohio business 10686
gateway. An extension of time to file is not an extension of the 10687
time to pay any tax due. 10688

(C) For taxable years beginning on or after January 1, 2005, 10689
a taxpayer subject to any municipal corporation's tax on the net 10690
profit from a business or profession may file any municipal income 10691
tax return or estimated municipal income return, and may make 10692
payment of amounts shown to be due on such returns, by using the 10693
Ohio business gateway. 10694

(D)(1) As used in this division, "qualifying wages" has the 10695
same meaning as in section 718.03 of the Revised Code. 10696

(2) Any employer may report the amount of municipal income 10697
tax withheld from qualifying wages paid on or after January 1, 10698
2007, and may make remittance of such amounts, by using the Ohio 10699
business gateway. 10700

(E) Nothing in this section affects the due dates for filing 10701
employer withholding tax returns. 10702

(F) No municipal corporation shall be required to pay any fee 10703
or charge for the operation or maintenance of the Ohio business 10704
gateway. 10705

(G) The use of the Ohio business gateway by municipal 10706
corporations, taxpayers, or other persons pursuant to this section 10707
does not affect the legal rights of municipalities or taxpayers as 10708
otherwise permitted by law. This state shall not be a party to the 10709
administration of municipal income taxes or to an appeal of a 10710

municipal income tax matter, except as otherwise specifically provided by law. 10711
10712

(H)(1) The tax commissioner shall adopt rules establishing: 10713

(a) The format of documents to be used by taxpayers to file returns and make payments through the Ohio business gateway; and 10714
10715

(b) The information taxpayers must submit when filing municipal income tax returns through the Ohio business gateway. 10716
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(2) The commissioner shall consult with the Ohio business gateway steering committee before adopting the rules described in division (H)(1) of this section. 10718
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10720

(I) Nothing in this section shall be construed as limiting or removing the ability of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax. 10721
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10723

Sec. 718.13. (A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by this chapter or by a charter or ordinance of a municipal corporation levying an income tax pursuant to this chapter is confidential, and no person shall disclose such information except in accordance with a proper judicial order or in connection with the performance of that person's official duties or the official business of the municipal corporation as authorized by this chapter or the charter or ordinance authorizing the levy. The tax administrator of the municipal corporation may furnish copies of returns filed under this chapter to the internal revenue service and to the tax commissioner. 10724
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(B) This section does not prohibit the legislative authority of a municipal corporation, by ordinance or resolution, from authorizing the tax administrator to publish statistics in a form that does not disclose information with respect to particular taxpayers. 10736
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Sec. 901.261. The director of agriculture, in conducting 10741
investigations, inquiries, or hearings, may assess the party to an 10742
action that is brought before the department of agriculture 10743
pursuant to Chapter 119. of the Revised Code the actual costs 10744
incurred by the department for depositions, investigations, 10745
issuance and service of subpoenas, witness fees, employment of a 10746
stenographer and hearing officer, and the production of books, 10747
accounts, papers, records, documents, and testimony if the 10748
applicable hearing officer determines that the party to the action 10749
has failed to comply with any chapter of the Revised Code or any 10750
rule adopted under any of those chapters that is administered by 10751
the director or if the hearing officer determines that the action 10752
was frivolous conduct by the party. Assessment of costs under this 10753
section may be appealed to a court of competent jurisdiction. 10754

Nothing in this section shall be construed to apply to 10755
investigations, inquiries, or hearings conducted under Chapter 10756
4741. of the Revised Code. 10757

Sec. 1306.20. (A) Subject to section 1306.11 of the Revised 10758
Code, each state agency shall determine if, and the extent to 10759
which, it will send and receive electronic records and electronic 10760
signatures to and from other persons and otherwise create, 10761
generate, communicate, store, process, use, and rely upon 10762
electronic records and electronic signatures. 10763

(B)(1) Subject to division (B)(2) of this section, a state 10764
agency may waive a requirement in the Revised Code, other than a 10765
requirement in sections 1306.01 to 1306.15 of the Revised Code, 10766
that relates to any of the following: 10767

(a) The method of posting or displaying records; 10768

(b) The manner of sending, communicating, or transmitting 10769
records; 10770

(c) The manner of formatting records. 10771

(2) A state agency may exercise its authority to waive a 10772
requirement under division (B)(1) of this section only if the 10773
following apply: 10774

(a) The requirement relates to a matter over which the state 10775
agency has jurisdiction; 10776

(b) The waiver is consistent with criteria set forth in rules 10777
adopted by the state agency. The criteria, to the extent 10778
reasonable under the circumstances, shall contain standards to 10779
facilitate the use of electronic commerce by persons under the 10780
jurisdiction of the state agency consistent with rules adopted by 10781
the department of administrative services pursuant to division (A) 10782
of section 1306.21 of the Revised Code. 10783

(C) If a state agency creates, uses, receives, or retains 10784
electronic records, both of the following apply: 10785

(1) Any rules adopted by a state agency relating to 10786
electronic records shall be consistent with rules adopted by the 10787
~~department of administrative services~~ office of information 10788
technology pursuant to division (A) of section 1306.21 of the 10789
Revised Code. 10790

(2) Each state agency shall create, use, receive, and retain 10791
electronic records in accordance with section 149.40 of the 10792
Revised Code. 10793

(D) If a state agency creates, uses, or receives electronic 10794
signatures, the state agency shall create, use, or receive the 10795
signatures in accordance with rules adopted by the ~~department of~~ 10796
~~administrative services~~ office of information technology pursuant 10797
to division (A) of section 1306.21 of the Revised Code. 10798

(E)(1) To the extent a state agency retains an electronic 10799
record, the state agency may retain a record in a format that is 10800

different from the format in which the record was originally 10801
created, used, sent, or received only if it can be demonstrated 10802
that the alternative format used accurately and completely 10803
reflects the record as it was originally created, used, sent, or 10804
received. 10805

(2) If a state agency in retaining any set of electronic 10806
records pursuant to division (E)(1) of this section alters the 10807
format of the records, the state agency shall create a certificate 10808
of authenticity for each set of records that is altered. 10809

(3) The ~~department of administrative services~~ office of 10810
information technology, in consultation with the state archivist, 10811
shall adopt rules in accordance with section 111.15 of the Revised 10812
Code that establish the methods for creating certificates of 10813
authenticity pursuant to division (E)(2) of this section. 10814

(F) Whenever any rule of law requires or authorizes the 10815
filing of any information, notice, lien, or other document or 10816
record with any state agency, a filing made by an electronic 10817
record shall have the same force and effect as a filing made on 10818
paper in all cases where the state agency has authorized or agreed 10819
to such electronic filing and the filing is made in accordance 10820
with applicable rules or agreement. 10821

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 10822
Code shall be construed to require any state agency to use or 10823
permit the use of electronic records and electronic signatures. 10824

(H)(1) Notwithstanding division (C)(1) or (D) of this 10825
section, any state agency that, prior to ~~the effective date of~~ 10826
~~this section~~ September 14, 2000, used or permitted the use of 10827
electronic records or electronic signatures pursuant to laws 10828
enacted, rules adopted, or agency policies adopted before ~~the~~ 10829
~~effective date of this section~~ September 14, 2000, may use or 10830
permit the use of electronic records or electronic signatures 10831

pursuant to those previously enacted laws, adopted rules, or 10832
adopted policies for a period of two years after ~~the effective~~ 10833
~~date of this section~~ September 14, 2000. 10834

(2) Subject to division (H)(3) of this section, after the 10835
two-year period described in division (H)(1) of this section has 10836
concluded, all state agencies that use or permit the use of 10837
electronic records or electronic signatures before ~~the effective~~ 10838
~~date of this section~~ September 14, 2000, shall only use or permit 10839
the use of electronic records or electronic signatures consistent 10840
with rules adopted by the ~~department of administrative services~~ 10841
office of information technology pursuant to division (A) of 10842
section 1306.21 of the Revised Code. 10843

(3) After the two-year period described in division (H)(1) of 10844
this section has concluded, the ~~department of administrative~~ 10845
~~services~~ office of information technology may permit a state 10846
agency to use electronic records or electronic signatures that do 10847
not comply with division (H)(2) of this section, if the state 10848
agency files a written request with the ~~department~~ office of 10849
information technology. 10850

(I) For the purposes of this section, "state agency" means 10851
every organized body, office, or agency established by the laws of 10852
the state for the exercise of any function of state government, 10853
but does not include the general assembly, any legislative agency, 10854
the supreme court, the other courts of record in this state, or 10855
any judicial agency. 10856

Sec. 1306.21. (A) With regard to state agency use of 10857
electronic records or electronic signatures, the ~~department of~~ 10858
~~administrative services~~ office of information technology, in 10859
consultation with the state archivist, shall adopt rules in 10860
accordance with section 111.15 of the Revised Code setting forth 10861
all of the following: 10862

- (1) The minimum requirements for the method of creation, maintenance, and security of electronic records and electronic signatures; 10863
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- (2) If electronic records must be signed by electronic means, all of the following: 10866
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- (a) The type of electronic signature required; 10868
- (b) The manner and format in which the electronic signature must be affixed to the electronic record; 10869
10870
- (c) The identity of, or criteria that must be met by, any third party used by the person filing a document to facilitate the process. 10871
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10873
- (3) Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; 10874
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- (4) Any other required attributes for electronic records that are specified for corresponding nonelectronic records or are reasonably necessary under the circumstances. 10877
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- (B)(1) ~~The department of administrative services~~ office of information technology may adopt rules in accordance with section 111.15 of the Revised Code to ensure consistency and interoperability among state agencies with regard to electronic transactions, electronic signatures, and security procedures. 10880
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- (2) If the ~~department of administrative services~~ office of information technology adopts rules pursuant to division (B)(1) of this section, the department shall consider consistency in applications and interoperability with governmental agencies of this state, agencies of other states, the federal government, and nongovernmental persons to the extent practicable when adopting rules pursuant to that division. 10885
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- (C) With regard to electronic transactions, electronic 10892

signatures, and security procedures, the ~~department of~~ 10893
~~administrative services~~ office of information technology may 10894
publish recommendations for governmental agencies and 10895
nongovernmental persons to promote consistency and 10896
interoperability among nongovernmental persons, agencies of this 10897
state and other states, and the federal government. 10898

(D) For purposes of this section, "state agency" has the same 10899
meaning as in section 1306.20 of the Revised Code. 10900

Sec. 1347.06. The ~~director of administrative services~~ office 10901
of information technology shall adopt, amend, and rescind rules 10902
pursuant to Chapter 119. of the Revised Code for the purposes of 10903
administering and enforcing the provisions of this chapter that 10904
pertain to state agencies. 10905

A state or local agency that, or an officer or employee of a 10906
state or local agency who, complies in good faith with a rule 10907
applicable to the agency is not subject to criminal prosecution or 10908
civil liability under this chapter. 10909

Sec. 1503.05. (A) The chief of the division of forestry may 10910
sell timber and other forest products from the state forest and 10911
state forest nurseries whenever the chief considers such a sale 10912
desirable and, with the approval of the attorney general and the 10913
director of natural resources, may sell portions of the state 10914
forest lands when such a sale is advantageous to the state. 10915

(B) Except as otherwise provided in this section, a timber 10916
sale agreement shall not be executed unless the person or 10917
governmental entity bidding on the sale executes and files a 10918
surety bond conditioned on completion of the timber sale in 10919
accordance with the terms of the agreement in an amount equal to 10920
twenty-five per cent of the highest value cutting section. All 10921
bonds shall be given in a form prescribed by the chief and shall 10922

run to the state as obligee. 10923

The chief shall not approve any bond until it is personally 10924
signed and acknowledged by both principal and surety, or as to 10925
either by the attorney in fact thereof, with a certified copy of 10926
the power of attorney attached. The chief shall not approve the 10927
bond unless there is attached a certificate of the superintendent 10928
of insurance that the company is authorized to transact a fidelity 10929
and surety business in this state. 10930

In lieu of a bond, the bidder may deposit any of the 10931
following: 10932

(1) Cash in an amount equal to the amount of the bond; 10933

(2) United States government securities having a par value 10934
equal to or greater than the amount of the bond; 10935

(3) Negotiable certificates of deposit or irrevocable letters 10936
of credit issued by any bank organized or transacting business in 10937
this state having a par value equal to or greater than the amount 10938
of the bond. 10939

The cash or securities shall be deposited on the same terms 10940
as bonds. If one or more certificates of deposit are deposited in 10941
lieu of a bond, the chief shall require the bank that issued any 10942
of the certificates to pledge securities of the aggregate market 10943
value equal to the amount of the certificate or certificates that 10944
is in excess of the amount insured by the federal deposit 10945
insurance corporation. The securities to be pledged shall be those 10946
designated as eligible under section 135.18 of the Revised Code. 10947
The securities shall be security for the repayment of the 10948
certificate or certificates of deposit. 10949

Immediately upon a deposit of cash, securities, certificates 10950
of deposit, or letters of credit, the chief shall deliver them to 10951
the treasurer of state, who shall hold them in trust for the 10952
purposes for which they have been deposited. The treasurer of 10953

state is responsible for the safekeeping of the deposits. A bidder 10954
making a deposit of cash, securities, certificates of deposit, or 10955
letters of credit may withdraw and receive from the treasurer of 10956
state, on the written order of the chief, all or any portion of 10957
the cash, securities, certificates of deposit, or letters of 10958
credit upon depositing with the treasurer of state cash, other 10959
United States government securities, or other negotiable 10960
certificates of deposit or irrevocable letters of credit issued by 10961
any bank organized or transacting business in this state, equal in 10962
par value to the par value of the cash, securities, certificates 10963
of deposit, or letters of credit withdrawn. 10964

A bidder may demand and receive from the treasurer of state 10965
all interest or other income from any such securities or 10966
certificates as it becomes due. If securities so deposited with 10967
and in the possession of the treasurer of state mature or are 10968
called for payment by their issuer, the treasurer of state, at the 10969
request of the bidder who deposited them, shall convert the 10970
proceeds of the redemption or payment of the securities into other 10971
United States government securities, negotiable certificates of 10972
deposit, or cash as the bidder designates. 10973

When the chief finds that a person or governmental agency has 10974
failed to comply with the conditions of the person's or 10975
governmental agency's bond, the chief shall make a finding of that 10976
fact and declare the bond, cash, securities, certificates, or 10977
letters of credit forfeited. The chief thereupon shall certify the 10978
total forfeiture to the attorney general, who shall proceed to 10979
collect the amount of the bond, cash, securities, certificates, or 10980
letters of credit. 10981

In lieu of total forfeiture, the surety, at its option, may 10982
cause the timber sale to be completed or pay to the treasurer of 10983
state the cost thereof. 10984

All moneys collected as a result of forfeitures of bonds, 10985

cash, securities, certificates, and letters of credit under this 10986
section shall be credited to the state forest fund created in this 10987
section. 10988

(C) The chief may grant easements and leases on portions of 10989
the state forest lands and state forest nurseries under terms that 10990
are advantageous to the state, and the chief may grant mineral 10991
rights on a royalty basis on those lands and nurseries, with the 10992
approval of the attorney general and the director. 10993

(D) All moneys received from the sale of state forest lands, 10994
or in payment for easements or leases on or as rents from those 10995
lands or from state forest nurseries, shall be paid into the state 10996
treasury to the credit of the state forest fund, which is hereby 10997
created. In addition, all moneys received from federal grants, 10998
payments, and reimbursements, from the sale of reforestation tree 10999
stock, from the sale of forest products, other than standing 11000
timber, and from the sale of minerals taken from the state forest 11001
lands and state forest nurseries, together with royalties from 11002
mineral rights, shall be paid into the state treasury to the 11003
credit of the state forest fund. Any other revenues derived from 11004
the operation of the state forests and related facilities or 11005
equipment also shall be paid into the state treasury to the credit 11006
of the state forest fund, as shall contributions received for the 11007
issuance of Smokey Bear license plates under section 4503.574 of 11008
the Revised Code and any other moneys required by law to be 11009
deposited in the fund. 11010

The state forest fund shall not be expended for any purpose 11011
other than the administration, operation, maintenance, 11012
development, or utilization of the state forests, forest 11013
nurseries, and forest programs, for facilities or equipment 11014
incident to them, or for the further purchase of lands for state 11015
forest or forest nursery purposes and, in the case of 11016
contributions received pursuant to section 4503.574 of the Revised 11017

Code, for fire prevention purposes. 11018

All moneys received from the sale of standing timber taken 11019
from state forest lands and state forest nurseries shall be 11020
deposited into the state treasury to the credit of the forestry 11021
holding account redistribution fund, which is hereby created. The 11022
moneys shall remain in the fund until they are redistributed in 11023
accordance with this division. 11024

The redistribution shall occur at least once each year. To 11025
begin the redistribution, the chief first shall determine the 11026
amount of all standing timber sold from state forest lands and 11027
state forest nurseries, together with the amount of the total sale 11028
proceeds, in each county, in each township within the county, and 11029
in each school district within the county. The chief next shall 11030
determine the amount of the direct costs that the division of 11031
forestry incurred in association with the sale of that standing 11032
timber. The amount of the direct costs shall be subtracted from 11033
the amount of the total sale proceeds and shall be transferred 11034
from the forestry holding account redistribution fund to the state 11035
forest fund. 11036

The remaining amount of the total sale proceeds equals the 11037
net value of the standing timber that was sold. The chief shall 11038
determine the net value of standing timber sold from state forest 11039
lands and state forest nurseries in each county, in each township 11040
within the county, and in each school district within the county 11041
and shall send to each county treasurer a copy of the 11042
determination at the time that moneys are paid to the county 11043
treasurer under this division. 11044

Twenty-five per cent of the net value of standing timber sold 11045
from state forest lands and state forest nurseries located in a 11046
county shall be transferred from the forestry holding account 11047
redistribution fund to the state forest fund. Ten per cent of that 11048
net value shall be transferred from the forestry holding account 11049

redistribution fund to the general revenue fund. The remaining 11050
sixty-five per cent of the net value shall be transferred from the 11051
forestry holding account redistribution fund and paid to the 11052
county treasurer for the use of the general fund of that county. 11053

The county auditor shall do all of the following: 11054

(1) Retain for the use of the general fund of the county 11055
one-fourth of the amount received by the county under division (D) 11056
of this section; 11057

(2) Pay into the general fund of any township located within 11058
the county and containing such lands and nurseries one-fourth of 11059
the amount received by the county from standing timber sold from 11060
lands and nurseries located in the township; 11061

(3) Request the board of education of any school district 11062
located within the county and containing such lands and nurseries 11063
to identify which fund or funds of the district should receive the 11064
moneys available to the school district under division (D)(3) of 11065
this section. After receiving notice from the board, the county 11066
auditor shall pay into the fund or funds so identified one-half of 11067
the amount received by the county from standing timber sold from 11068
lands and nurseries located in the school district, distributed 11069
proportionately as identified by the board. 11070

The division of forestry shall not supply logs, lumber, or 11071
other forest products or minerals, taken from the state forest 11072
lands or state forest nurseries, to any other agency or 11073
subdivision of the state unless payment is made therefor in the 11074
amount of the actual prevailing value thereof. This section is 11075
applicable to the moneys so received. 11076

Sec. 1504.02. (A) The division of real estate and land 11077
management shall do all of the following: 11078

(1) Except as otherwise provided in the Revised Code, 11079

coordinate and conduct all real estate functions for the 11080
department of natural resources, including at least acquisitions 11081
by purchase, lease, gift, devise, bequest, appropriation, or 11082
otherwise; grants through sales, leases, exchanges, easements, and 11083
licenses; inventories of land; and other related general 11084
management duties; 11085

(2) Assist the department and its divisions by providing 11086
department-wide planning, including at least master planning, 11087
comprehensive planning, capital improvements planning, and special 11088
purpose planning such as trails coordination and planning under 11089
section 1519.03 of the Revised Code; 11090

~~(3) On behalf of the director of natural resources, 11091
administer the coastal management program established under 11092
sections 1506.01 to 1506.03 and 1506.05 to 1506.09 of the Revised 11093
Code and consult with and provide coordination among state 11094
agencies, political subdivisions, the United States and agencies 11095
of it, and interstate, regional, and areawide agencies to assist 11096
the director in executing the director's duties and 11097
responsibilities under that program and to assist the department 11098
as the lead agency for the development and implementation of the 11099
program; 11100~~

~~(4) On behalf of the director, administer sections 1506.10 11101
and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code; 11102~~

~~(5) Cooperate with the United States and agencies of it and 11103
with political subdivisions in administering federal recreation 11104
moneys under the "Land and Water Conservation Fund Act of 1965," 11105
78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and 11106
distribute the statewide comprehensive outdoor recreation plan; 11107
and administer the state recreational vehicle fund created in 11108
section 4519.11 of the Revised Code; 11109~~

~~(6)~~(4)(a) Support the geographic information system needs for 11110

the department as requested by the director, which shall include, 11111
but not be limited to, all of the following: 11112

(i) Assisting in the training and education of department 11113
resource managers, administrators, and other staff in the 11114
application and use of geographic information system technology; 11115

(ii) Providing technical support to the department in the 11116
design, preparation of data, and use of appropriate geographic 11117
information system applications in order to help solve resource 11118
related problems and to improve the effectiveness and efficiency 11119
of department delivered services; 11120

(iii) Creating, maintaining, and documenting spatial digital 11121
data bases for the division and for other divisions as assigned by 11122
the director. 11123

(b) Provide information to and otherwise assist government 11124
officials, planners, and resource managers in understanding land 11125
use planning and resource management; 11126

(c) Provide continuing assistance to local government 11127
officials and others in natural resource digital data base 11128
development and in applying and utilizing the geographic 11129
information system for land use planning, current agricultural use 11130
value assessment, development reviews, coastal management, and 11131
other resource management activities; 11132

(d) Coordinate and administer the remote sensing needs of the 11133
department, including the collection and analysis of aerial 11134
photography, satellite data, and other data pertaining to land, 11135
water, and other resources of the state; 11136

(e) Prepare and publish maps and digital data relating to the 11137
state's land use and land cover over time on a local, regional, 11138
and statewide basis; 11139

(f) Locate and distribute hard copy maps, digital data, 11140

aerial photography, and other resource data and information to government agencies and the public.

~~(7)~~(5) Prepare special studies and execute any other duties, functions, and responsibilities requested by the director.

(B) The division may do any of the following:

(1) Coordinate such environmental matters concerning the department and the state as are necessary to comply with the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C.A. 4321, as amended, the "Intergovernmental Cooperation Act of 1968," 82 Stat. 1098, 31 U.S.C.A. 6506, and the "Federal Water Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C.A. 1251, as amended, and regulations adopted under those acts;

(2) With the approval of the director, coordinate and administer compensatory mitigation grant programs and other programs for streams and wetlands as approved in accordance with certifications and permits issued under sections 401 and 404 of the "Federal Water Pollution Control Act", 91 Stat. 1566(1977), 33 U.S.C.A. 1251, as amended, by the environmental protection agency and the United States army corps of engineers;

(3) Administer any state or federally funded grant program that is related to natural resources and recreation as considered necessary by the director.

Sec. 1506.01. As used in this chapter:

(A) "Coastal area" means the waters of Lake Erie, the islands in the lake, and the lands under and adjacent to the lake, including transitional areas, wetlands, and beaches. The coastal area extends in Lake Erie to the international boundary line between the United States and Canada and landward only to the extent necessary to include shorelands, the uses of which have a direct and significant impact on coastal waters as determined by

the director of natural resources. 11171

(B) "Coastal management program" means the comprehensive 11172
action of the state and its political subdivisions cooperatively 11173
to preserve, protect, develop, restore, or enhance the resources 11174
of the coastal area and to ensure wise use of the land and water 11175
resources of the coastal area, giving attention to natural, 11176
cultural, historic, and aesthetic values; agricultural, 11177
recreational, energy, and economic needs; and the national 11178
interest. "Coastal management program" includes the establishment 11179
of objectives, policies, standards, and criteria concerning, 11180
without limitation, protection of air, water, wildlife, rare and 11181
endangered species, wetlands and natural areas, and other natural 11182
resources in the coastal area; management of coastal development 11183
and redevelopment; preservation and restoration of historic, 11184
cultural, and aesthetic coastal features; and public access to the 11185
coastal area for recreation purposes. 11186

(C) "Coastal management program document" means a 11187
comprehensive statement consisting of, without limitation, text, 11188
maps, and illustrations that is adopted by the director in 11189
accordance with this chapter, describes the objectives, policies, 11190
standards, and criteria of the coastal management program for 11191
guiding public and private uses of lands and waters in the coastal 11192
area, lists the governmental agencies, including, without 11193
limitation, state agencies, involved in implementing the coastal 11194
management program, describes their applicable policies and 11195
programs, and cites the statutes and rules under which they may 11196
adopt and implement those policies and programs. 11197

(D) "Person" means any agency of this state, any political 11198
subdivision of this state or of the United States, and any legal 11199
entity defined as a person under section 1.59 of the Revised Code. 11200

(E) "Director" means the director of natural resources or the 11201
director's designee. 11202

(F) "Permanent structure" means any residential, commercial, industrial, institutional, or agricultural building, any mobile home as defined in division (O) of section 4501.01 of the Revised Code, any manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code, and any septic system that receives sewage from a single-family, two-family, or three-family dwelling, but does not include any recreational vehicle as defined in section 4501.01 of the Revised Code.

(G) "State agency" or "agency of the state" has the same meaning as "agency" as defined in section 111.15 of the Revised Code.

(H) "Coastal flood hazard area" means any territory within the coastal area that has been identified as a flood hazard area under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended.

(I) "Coastal erosion area" means any territory included in Lake Erie coastal erosion areas identified by the director under section 1506.06 of the Revised Code.

(J) "Conservancy district" means a conservancy district that is established under Chapter 6101. of the Revised Code.

(K) "Park board" means the board of park commissioners of a park district that is created under Chapter 1545. of the Revised Code.

(L) "Erosion control structure" means a structure that is designed solely and specifically to reduce or control erosion of the shore along or near Lake Erie, including, without limitation, revetments, seawalls, bulkheads, certain breakwaters, and similar structures.

(M) "Shore structure" includes, but is not limited to, beaches; groins; revetments; bulkheads; seawalls; breakwaters; certain dikes designated by the chief of the division of water;

piers; docks; jetties; wharves; marinas; boat ramps; any 11234
associated fill or debris used as part of the construction of 11235
shore structures that may affect shore erosion, wave action, or 11236
inundation; and fill or debris that is placed along or near the 11237
shore, including bluffs, banks, or beach ridges, for the purpose 11238
of stabilizing slopes. 11239

Sec. ~~1521.20~~ 1506.38. The chief director of the ~~division of~~ 11240
~~water natural resources~~ shall act as the erosion agent of the 11241
state for the purpose of cooperating with the secretary of the 11242
army, acting through the chief of engineers of the United States 11243
army corps of engineers in the department of defense. The ~~chief~~ 11244
director shall cooperate with the secretary in carrying out, and 11245
may conduct, investigations and studies of conditions along the 11246
shorelines of Lake Erie and of the bays and projections therefrom, 11247
and of the islands therein, within the territorial waters of the 11248
state, with a view to devising and perfecting economical and 11249
effective methods and works for preventing, correcting, and 11250
controlling shore erosion and damage therefrom and controlling the 11251
inundation of improved property by the waters of Lake Erie, its 11252
bays, and associated inlets. 11253

Sec. ~~1521.21~~ 1506.39. The chief director of the ~~division of~~ 11254
~~water natural resources~~, in the discharge of the ~~chief's~~ 11255
director's duties under sections ~~1507.20~~ 1506.38 to ~~1507.30~~ 11256
1506.48 of the Revised Code, may call to the ~~chief's~~ director's 11257
assistance, temporarily, any engineers or other employees in any 11258
state department, or in the Ohio state university or other 11259
educational institutions financed wholly or in part by the state, 11260
for the purpose of devising the most effective and economical 11261
methods of controlling shore erosion and damage from it and 11262
controlling the inundation of improved property by the waters of 11263
Lake Erie and its bays and associated inlets. 11264

Such engineers and employees shall not receive any additional 11265
compensation over that which they receive from the departments or 11266
institutions by which they are employed, but they shall be 11267
reimbursed for their actual necessary expenses incurred while 11268
working under the direction of the ~~chief~~ director on erosion and 11269
inundation projects. 11270

Sec. ~~1521.22~~ 1506.40. No person shall construct a beach, 11271
groin, or other structure to control erosion, wave action, or 11272
inundation along or near the Ohio shoreline of Lake Erie, 11273
including related islands, bays, and inlets, without first 11274
obtaining a shore structure permit from the ~~chief of the division~~ 11275
director of ~~water~~. The natural resources. 11276

The application for a ~~shore structure~~ permit shall include 11277
detailed plans and specifications prepared by a professional 11278
engineer registered under Chapter 4733. of the Revised Code. An 11279
applicant shall provide appropriate evidence of compliance with 11280
any applicable provisions of this chapter and Chapters 1505. and 11281
~~1506.~~ 1521. of the Revised Code, as determined by the ~~chief~~ 11282
director. A temporary shore structure permit may be issued by the 11283
~~chief or an authorized representative of the chief~~ director if it 11284
is determined necessary to safeguard life, health, or property. 11285

Each application or reapplication for a permit under this 11286
section shall be accompanied by a non-refundable fee as the ~~chief~~ 11287
director shall prescribe by rule. 11288

If the application is approved, the ~~chief~~ director shall 11289
issue a permit to the applicant authorizing construction of the 11290
project. If requested in writing by the applicant within thirty 11291
days of issuance of a notice of disapproval of the application, 11292
the ~~chief~~ director shall conduct an adjudication hearing under 11293
Chapter 119. of the Revised Code, except sections 119.12 and 11294
119.121 of the Revised Code. After reviewing the record of the 11295

hearing, the ~~chief~~ director shall issue a final order approving 11296
the application, disapproving it, or approving it conditioned on 11297
the making of specified revisions in the plans and specifications. 11298

The ~~chief~~ director, by rule, shall limit the period during 11299
which a construction permit issued under this section is valid and 11300
shall establish reapplication requirements governing a 11301
construction permit that expires before construction is completed. 11302

In accordance with Chapter 119. of the Revised Code, the 11303
~~chief~~ director shall adopt, and may amend or rescind, such rules 11304
as are necessary for the administration, implementation, and 11305
enforcement of this section. 11306

Sec. ~~1521.23~~ 1506.41. All moneys derived from the granting of 11307
permits and leases under section 1505.07 of the Revised Code for 11308
the removal of sand, gravel, stone, gas, oil, and other minerals 11309
and substances from and under the bed of Lake Erie and from 11310
applications for shore structure permits submitted under section 11311
~~1521.22~~ 1506.40 of the Revised Code shall be paid into the state 11312
treasury to the credit of the permit and lease fund, which is 11313
hereby created. Notwithstanding any section of the Revised Code 11314
relating to the distribution or crediting of fines for violations 11315
of the Revised Code, all fines imposed under division (A) of 11316
section 1505.99 of the Revised Code and under division (C) of 11317
section ~~1521.99~~ 1506.99 of the Revised Code shall be paid into 11318
that fund. The fund shall be administered by the department of 11319
natural resources for the protection of Lake Erie shores and 11320
waters; investigation and control of erosion; the planning, 11321
development, and construction of facilities for recreational use 11322
of Lake Erie; implementation of section ~~1521.22~~ 1506.40 of the 11323
Revised Code; preparation of the state shore erosion plan under 11324
section ~~1521.29~~ 1506.47 of the Revised Code; and state 11325
administration of Lake Erie coastal erosion areas under sections 11326

1506.06 and 1506.07 of the Revised Code. 11327

Sec. ~~1521.24~~ 1506.42. The state, acting through the ~~chief~~ 11328
~~director~~ of the ~~division of water~~ natural resources, subject to 11329
section ~~1521.28~~ 1506.46 of the Revised Code, may enter into 11330
agreements with counties, townships, municipal corporations, park 11331
boards, and conservancy districts, other political subdivisions, 11332
or any state departments or divisions for the purpose of 11333
constructing and maintaining projects to control erosion along the 11334
Ohio shoreline of Lake Erie and in any rivers and bays that are 11335
connected with Lake Erie and any other watercourses that flow into 11336
Lake Erie. Such projects also may be constructed on any Lake Erie 11337
island that is situated within the boundaries of the state. 11338

The cost of such shore erosion projects that are for the 11339
benefit of public littoral property shall be prorated on the basis 11340
of two-thirds of the total cost to the state through 11341
appropriations made to the ~~division~~ department of ~~water~~ natural 11342
resources and one-third of the cost to the counties, townships, 11343
municipal corporations, park boards, conservancy districts, or 11344
other political subdivisions. 11345

If a shore erosion emergency is declared by the governor, the 11346
state, acting through the ~~chief~~ director, may spend whatever state 11347
funds are available to alleviate shore erosion, without 11348
participation by any political subdivision, regardless of whether 11349
the project will benefit public or private littoral property. 11350

A board of county commissioners, acting for the county over 11351
which it has jurisdiction, may enter into and carry out agreements 11352
with the ~~chief~~ director for the construction and maintenance of 11353
projects to control shore erosion. In providing the funds for the 11354
county's proportionate share of the cost of constructing and 11355
maintaining the projects referred to in this section, the board 11356
shall be governed by and may issue and refund bonds in accordance 11357

with Chapter 133. of the Revised Code. 11358

A municipal corporation or a township, acting through the 11359
legislative authority or the board of township trustees, may enter 11360
into and carry out agreements with the ~~chief~~ director for the 11361
purpose of constructing and maintaining projects to control shore 11362
erosion. In providing the funds for the municipal corporation's or 11363
township's proportionate share of the cost of constructing and 11364
maintaining the projects referred to in this section, a municipal 11365
corporation or township may issue and refund bonds in accordance 11366
with Chapter 133. of the Revised Code. The contract shall be 11367
executed on behalf of the municipal corporation or township by the 11368
mayor, city manager, or other chief executive officer who has the 11369
authority to act for the municipal corporation or township. 11370

Conservancy districts may enter into and carry out agreements 11371
with the ~~chief~~ director, in accordance with the intent of this 11372
section, under the powers conferred upon conservancy districts 11373
under Chapter 6101. of the Revised Code. 11374

Park boards may enter into and carry out agreements with the 11375
~~chief~~ director, in accordance with the intent of this section, and 11376
issue bonds for that purpose under the powers conferred upon park 11377
districts under Chapter 1545. of the Revised Code. 11378

The ~~chief~~ director shall approve and supervise all projects 11379
that are to be constructed in accordance with this section. The 11380
~~chief~~ director shall not proceed with the construction of any 11381
project until all funds that are to be paid by the county, 11382
township, municipal corporation, park board, or conservancy 11383
district, in accordance with the terms of the agreement entered 11384
into between the ~~chief~~ director and the county, township, 11385
municipal corporation, park board, or conservancy district, are in 11386
the ~~chief's~~ director's possession and deposited in the shore 11387
erosion fund, which is hereby created in the state treasury. If 11388
the ~~chief~~ director finds it to be in the best interests of the 11389

state to construct projects as set forth in this section by the 11390
state itself, without the financial contribution of counties, 11391
townships, municipal corporations, park boards, or conservancy 11392
districts, the ~~chief~~ director may construct the projects. 11393

In deciding whether to assist a county or municipal 11394
corporation in constructing and maintaining a project under this 11395
section, the state, acting through the ~~chief~~ director, shall 11396
consider, among other factors, whether the county or municipal 11397
corporation has adopted or is in the process of adopting a Lake 11398
Erie coastal erosion area resolution or ordinance under division 11399
(D) of section 1506.07 of the Revised Code. 11400

All projects constructed by the state in conformity with 11401
sections ~~1521.20~~ 1506.38 to ~~1521.28~~ 1506.46 of the Revised Code 11402
shall be constructed subject to sections 153.01 to 153.20 of the 11403
Revised Code, except that the state architect and engineer is not 11404
required to prepare the plans and specifications for those 11405
projects. 11406

Sec. ~~1521.25~~ 1506.43. The ~~chief~~ director of the ~~division of~~ 11407
~~water~~ natural resources may enter into a contract with any county, 11408
township, municipal corporation, conservancy district, or park 11409
board that has an agreement with the state in accordance with 11410
section ~~1521.24~~ 1506.42 of the Revised Code for the construction 11411
of a shore erosion project. No contract shall be let until all 11412
money that is to be paid by the political subdivision entering 11413
into the agreement has been deposited in the shore erosion fund 11414
created in that section ~~1521.24~~ of the Revised Code, and no 11415
~~contract shall be valid until approved by the director of natural~~ 11416
~~resources.~~ 11417

Sec. ~~1521.26~~ 1506.44. (A) A board of county commissioners may 11418
use a loan obtained under division (C) of this section to provide 11419

financial assistance to any person who owns real property in a 11420
coastal erosion area, ~~as defined in section 1506.01 of the Revised~~ 11421
~~Code,~~ and who has received a permit under section ~~1521.22~~ 1506.40 11422
of the Revised Code to construct an erosion control structure in 11423
that coastal erosion area. The board shall enter into an agreement 11424
with the person that complies with all of the following 11425
requirements: 11426

(1) The agreement shall identify the person's real property 11427
for which the erosion control structure is being constructed and 11428
shall include a legal description of that property and a reference 11429
to the volume and page of the deed record in which the title of 11430
that person to that property is recorded. 11431

(2) In accordance with rules adopted by the Ohio water 11432
development authority under division (V) of section 6121.04 of the 11433
Revised Code for the purposes of division (C) of this section and 11434
pursuant to an agreement between the board and the authority under 11435
that division, the board shall agree to cause payments to be made 11436
by the authority to the contractor hired by the person to 11437
construct an erosion control structure in amounts not to exceed 11438
the total amount specified in the agreement between the board and 11439
the person. 11440

(3) The person shall agree to pay to the board, or to the 11441
authority as the assignee pursuant to division (C) of this 11442
section, the total amount of the payments plus administrative or 11443
other costs of the board or the authority at times, in 11444
installments, and bearing interest as specified in the agreement. 11445

The agreement may contain additional provisions that the 11446
board determines necessary to safeguard the interests of the 11447
county or to comply with an agreement entered into under division 11448
(C) of this section. 11449

(B) Upon entering into an agreement under division (A) of 11450

this section, the board shall do all of the following: 11451

(1) Cause the agreement to be recorded in the county deed 11452
records in the office of the county recorder of the county in 11453
which the real property is situated. Failure to record the 11454
agreement does not affect the validity of the agreement or the 11455
collection of any amounts due under the agreement. 11456

(2) Establish by resolution an erosion control repayment fund 11457
into which shall be deposited all amounts collected under division 11458
(B)(3) of this section. Moneys in that fund shall be used by the 11459
board for the repayment of the loan and for administrative or 11460
other costs of the board or the authority as specified in an 11461
agreement entered into under division (C) of this section. If the 11462
amount of money in the fund is inadequate to repay the loan when 11463
due, the board of county commissioners, by resolution, may advance 11464
money from any other fund in order to repay the loan if that use 11465
of the money from the other fund is not in conflict with law. If 11466
the board so advances money in order to repay the loan, the board 11467
subsequently shall reimburse each fund from which the board 11468
advances money with moneys from the erosion control repayment 11469
fund. 11470

(3) Bill and collect all amounts when due under the agreement 11471
entered into under division (A) of this section. The board shall 11472
certify amounts not paid when due to the county auditor, who shall 11473
enter the amounts on the real property tax list and duplicate 11474
against the property identified under division (A)(1) of this 11475
section. The amounts not paid when due shall be a lien on that 11476
property from the date on which the amounts are placed on the tax 11477
list and duplicate and shall be collected in the same manner as 11478
other taxes. 11479

(C) A board may apply to the authority for a loan for the 11480
purpose of entering into agreements under division (A) of this 11481
section. The loan shall be for an amount and on the terms 11482

established in an agreement between the board and the authority. 11483
The board may assign any agreements entered into under division 11484
(A) of this section to the authority in order to provide for the 11485
repayment of the loan and may pledge any lawfully available 11486
revenues to the repayment of the loan, provided that no moneys 11487
raised by taxation shall be obligated or pledged by the board for 11488
the repayment of the loan. Any agreement with the authority 11489
pursuant to this division is not subject to Chapter 133. of the 11490
Revised Code or any requirements or limitations established in 11491
that chapter. 11492

(D) The authority, as assignee of any agreement pursuant to 11493
division (C) of this section, may enforce and compel the board and 11494
the county auditor by mandamus pursuant to Chapter 2731. of the 11495
Revised Code to comply with division (B) of this section in a 11496
timely manner. 11497

(E) The construction of an erosion control structure by a 11498
contractor hired by an individual homeowner, group of individual 11499
homeowners, or homeowners association that enters into an 11500
agreement with a board under division (A) of this section is not a 11501
public improvement, as defined in section 4115.03 of the Revised 11502
Code, and is not subject to competitive bidding or public bond 11503
laws. 11504

Sec. ~~1521.27~~ 1506.45. The state, or any county, township, 11505
municipal corporation, conservancy district, or park board that 11506
has entered into a contract under section ~~1521.25~~ 1506.43 of the 11507
Revised Code, may acquire lands by gift or devise, purchase, or 11508
appropriation. In case of appropriation, the proceedings shall be 11509
instituted in the name of the state or the political subdivision 11510
and shall be conducted in the manner provided for the 11511
appropriation of private property by the state or the political 11512
subdivision insofar as those proceedings are applicable. Either 11513

the fee or any lesser interest may be acquired as the state or the 11514
political subdivision considers advisable. 11515

Sec. ~~1521.28~~ 1506.46. Any action taken by the chief director 11516
of ~~the division of water~~ natural resources under sections ~~1521.20~~ 11517
~~1506.38~~ to ~~1521.30~~ 1506.48 of the Revised Code shall not be deemed 11518
in conflict with certain powers and duties conferred upon and 11519
delegated to federal agencies and to municipal corporations under 11520
Section 7 of Article XVIII, Ohio Constitution, or as provided by 11521
sections 721.04 to 721.11 of the Revised Code. 11522

Sec. ~~1521.29~~ 1506.47. The chief director of ~~the division of~~ 11523
~~water~~ natural resources, in cooperation with appropriate offices 11524
and divisions, including the division of geological survey, may 11525
prepare a plan for the management of shore erosion in the state 11526
along Lake Erie, its bays, and associated inlets, revise the plan 11527
whenever it can be made more effective, and make the plan 11528
available for public inspection. In the preparation of the plan, 11529
the chief director may employ such existing plans as are 11530
available. 11531

The chief director also may establish a program to provide 11532
technical assistance on shore erosion control measures to 11533
municipal corporations, counties, townships, conservancy 11534
districts, park boards, and shoreline property owners. 11535

Sec. ~~1521.30~~ 1506.48. Upon application of any owner of real 11536
property damaged or destroyed by shore erosion, the county auditor 11537
of the county in which the real property is situated shall cause a 11538
reappraisal to be made and shall place the property on the tax 11539
list at its true value in money. 11540

Whenever the county auditor finds that ninety per cent or 11541
more of the area of any littoral parcel of land appearing upon the 11542
tax duplicate has been eroded and lies within the natural 11543

boundaries of Lake Erie and that the remainder of the parcel, if 11544
any, has no taxable value, the auditor may certify that finding to 11545
the county board of revision. Upon consideration thereof, the 11546
board may authorize removal of the parcel from the tax duplicate 11547
and cancellation of all current and delinquent taxes, assessments, 11548
interest, and penalties charged against the parcel. 11549

Sec. 1506.99. (A) Whoever violates division (A) of section 11550
1506.09 of the Revised Code shall be fined not less than one 11551
hundred nor more than five hundred dollars for each offense. 11552

(B) Whoever violates division (K) of section 1506.32 of the 11553
Revised Code is guilty of a misdemeanor of the third degree. 11554

(C) Whoever violates sections 1506.38 to 1506.48 of the 11555
Revised Code shall be fined not less than one hundred dollars nor 11556
more than five hundred dollars for each offense. Each day of 11557
violation constitutes a separate offense. 11558

Sec. 1513.08. (A) After a coal mining and reclamation permit 11559
application has been approved, ~~but before the permit is issued,~~ 11560
the applicant shall file with the chief of the division of mineral 11561
resources management, on a form prescribed and furnished by the 11562
chief, the performance security required under this section. 11563

(B) Using the information contained in the permit 11564
application; the requirements contained in the approved permit and 11565
reclamation plan; and, after considering the topography, geology, 11566
hydrology, and revegetation potential of the area of the approved 11567
permit, the probable difficulty of reclamation; the chief shall 11568
determine the estimated cost of reclamation under the initial term 11569
of the permit if the reclamation has to be performed by the 11570
division of mineral resources management in the event of 11571
forfeiture of the performance security by the applicant. The chief 11572
shall send written notice of the amount of the estimated cost of 11573

reclamation by certified mail to the applicant. The applicant 11574
shall send written notice to the chief indicating the method by 11575
which the applicant will provide the performance security pursuant 11576
to division (C) of this section. 11577

(C) The applicant shall provide the performance security in 11578
an amount using one of the following: 11579

(1) If the applicant elects to provide performance security 11580
without reliance on the reclamation forfeiture fund created in 11581
section 1513.18 of the Revised Code, the amount of the estimated 11582
cost of reclamation as determined by the chief under division (B) 11583
of this section for the increments of land on which the operator 11584
will conduct a coal mining and reclamation operation under the 11585
initial term of the permit as indicated in the application; 11586

(2) If the applicant elects to provide performance security 11587
together with reliance on the reclamation forfeiture fund through 11588
payment of the additional tax on the severance of coal that is 11589
levied under division (A)(8) of section 5749.02 of the Revised 11590
Code, an amount of twenty-five hundred dollars per acre of land on 11591
which the operator will conduct coal mining and reclamation under 11592
the initial term of the permit as indicated in the application. 11593
However, in order for an applicant to be eligible to provide 11594
performance security in accordance with division (C)(2) of this 11595
section, ~~an~~ the applicant or owner and controller of the applicant 11596
shall have held a permit issued under this chapter for any coal 11597
mining and reclamation operation for a period of not less than 11598
five years. In the event of forfeiture of performance security 11599
that was provided in accordance with division (C)(2) of this 11600
section, the difference between the amount of that performance 11601
security and the estimated cost of reclamation as determined by 11602
the chief under division (B) of this section shall be obtained 11603
from money in the reclamation forfeiture fund as needed to 11604
complete the reclamation. 11605

The performance security provided under division (C) of this section for the entire area to be mined under one permit issued under this chapter shall not be less than ten thousand dollars.

The performance security shall cover areas of land affected by mining within or immediately adjacent to the permitted area, so long as the total number of acres does not exceed the number of acres for which the performance security is provided. However, the authority for the performance security to cover areas of land immediately adjacent to the permitted area does not authorize a permittee to mine areas outside an approved permit area. As succeeding increments of coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the chief additional performance security to cover the increments in accordance with this section. If a permittee intends to mine areas outside the approved permit area, the permittee shall provide additional performance security in accordance with this section to cover the areas to be mined.

An applicant shall provide performance security in accordance with division (C)(1) of this section in the full amount of the estimated cost of reclamation as determined by the chief for a permitted coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine. A permittee shall provide the performance security not later than one year after ~~the effective date of this amendment~~ April 6, 2007, for a permitted coal preparation plant or coal refuse disposal area that is in existence on ~~the effective date of this amendment~~ April 6, 2007, and that is not located within a permitted area of a mine.

(D) A permittee's liability under the performance security shall be limited to the obligations established under the permit, which include completion of the reclamation plan in order to make the land capable of supporting the postmining land use that was approved in the permit. The period of liability under the

performance security shall be for the duration of the coal mining 11638
and reclamation operation and for a period coincident with the 11639
operator's responsibility for revegetation requirements under 11640
section 1513.16 of the Revised Code. 11641

(E) The amount of the estimated cost of reclamation 11642
determined under division (B) of this section and the amount of a 11643
permittee's performance security provided in accordance with 11644
division (C)(1) of this section may be adjusted by the chief as 11645
the land that is affected by mining increases or decreases or if 11646
the cost of reclamation increases or decreases. If the performance 11647
security was provided in accordance with division (C)(2) of this 11648
section and the chief has issued a cessation order under division 11649
(D)(2) of section 1513.02 of the Revised Code for failure to abate 11650
a violation of the contemporaneous reclamation requirement under 11651
division (A)(15) of section 1513.16 of the Revised Code, the chief 11652
may require the permittee to increase the amount of performance 11653
security from twenty-five hundred dollars per acre of land to five 11654
thousand dollars per acre of land. 11655

The chief shall notify the permittee, each surety, and any 11656
person who has a property interest in the performance security and 11657
who has requested to be notified of any proposed adjustment to the 11658
performance security. The permittee may request an informal 11659
conference with the chief concerning the proposed adjustment, and 11660
the chief shall provide such an informal conference. 11661

If the chief increases the amount of performance security 11662
under this division, the permittee shall provide additional 11663
performance security in an amount determined by the chief. If the 11664
chief decreases the amount of performance security under this 11665
division, the chief shall determine the amount of the reduction of 11666
the performance security and send written notice of the amount of 11667
reduction to the permittee. The permittee may reduce the amount of 11668
the performance security in the amount determined by the chief. 11669

(F) A permittee may request a reduction in the amount of the performance security by submitting to the chief documentation proving that the amount of the performance security provided by the permittee exceeds the estimated cost of reclamation if the reclamation would have to be performed by the division in the event of forfeiture of the performance security. The chief shall examine the documentation and determine whether the permittee's performance security exceeds the estimated cost of reclamation. If the chief determines that the performance security exceeds that estimated cost, the chief shall determine the amount of the reduction of the performance security and send written notice of the amount to the permittee. The permittee may reduce the amount of the performance security in the amount determined by the chief. Adjustments in the amount of performance security under this division shall not be considered release of performance security and are not subject to section 1513.16 of the Revised Code.

(G) If the performance security is a bond, it shall be executed by the operator and a corporate surety licensed to do business in this state. If the performance security is a cash deposit or negotiable certificates of deposit of a bank or savings and loan association, the bank or savings and loan association shall be licensed and operating in this state. The cash deposit or market value of the securities shall be equal to or greater than the amount of the performance security required under this section. The chief shall review any documents pertaining to the performance security and approve or disapprove the documents. The chief shall notify the applicant of the chief's determination.

(H) If the performance security is a bond, the chief may accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the chief the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation

sufficient for authorization to self-insure or bond the amount. 11702

(I) Performance security provided under this section may be 11703
held in trust, provided that the state is the conditional 11704
beneficiary of the trust and the custodian of the performance 11705
security held in trust is a bank, trust company, or other 11706
financial institution that is licensed and operating in this 11707
state. The chief shall review the trust document and approve or 11708
disapprove the document. The chief shall notify the applicant of 11709
the chief's determination. 11710

(J) If a surety, bank, savings and loan association, trust 11711
company, or other financial institution that holds the performance 11712
security required under this section becomes insolvent, the 11713
permittee shall notify the chief of the insolvency, and the chief 11714
shall order the permittee to submit a plan for replacement 11715
performance security within thirty days after receipt of notice 11716
from the chief. If the permittee provided performance security in 11717
accordance with division (C)(1) of this section, the permittee 11718
shall provide the replacement performance security within ninety 11719
days after receipt of notice from the chief. If the permittee 11720
provided performance security in accordance with division (C)(2) 11721
of this section, the permittee shall provide the replacement 11722
performance security within one year after receipt of notice from 11723
the chief, and, for a period of one year after the permittee's 11724
receipt of notice from the chief or until the permittee provides 11725
the replacement performance security, whichever occurs first, 11726
money in the reclamation forfeiture fund shall be the permittee's 11727
replacement performance security in an amount not to exceed the 11728
estimated cost of reclamation as determined by the chief. 11729

(K) A permittee's responsibility for repairing material 11730
damage and replacement of water supply resulting from subsidence 11731
may be satisfied by liability insurance required under this 11732
chapter in lieu of the permittee's performance security if the 11733

liability insurance policy contains terms and conditions that 11734
specifically provide coverage for repairing material damage and 11735
replacement of water supply resulting from subsidence. 11736

(L) If the performance security provided in accordance with 11737
this section exceeds the estimated cost of reclamation, the chief 11738
may authorize the amount of the performance security that exceeds 11739
the estimated cost of reclamation together with any interest or 11740
other earnings on the performance security to be paid to the 11741
permittee. 11742

(M) A permittee that held a valid coal mining and reclamation 11743
permit immediately prior to April 6, 2007, shall provide, not 11744
later than a date established by the chief, performance security 11745
in accordance with division (C)(1) or (2) of this section, rather 11746
than in accordance with the law as it existed prior to that date, 11747
by filing it with the chief on a form that the chief prescribes 11748
and furnishes. Accordingly, for purposes of this section, 11749
"applicant" is deemed to include such a permittee. 11750

(N) As used in this section, "owner and controller of the 11751
applicant" means a person that has any relationship with the 11752
applicant that gives the person authority to determine directly or 11753
indirectly the manner in which the applicant conducts coal mining 11754
operations. 11755

Sec. 1513.18. (A) All money that becomes the property of the 11756
state under division (G) of section 1513.16 of the Revised Code 11757
shall be deposited in the reclamation forfeiture fund, which is 11758
hereby created in the state treasury. Disbursements from the fund 11759
shall be made by the chief of the division of mineral resources 11760
management for the purpose of reclaiming areas of land affected by 11761
coal mining under a coal mining and reclamation permit issued on 11762
or after September 1, 1981, on which an operator has defaulted. 11763

(B) The fund also shall consist of all money from the 11764

collection of liens under section 1513.081 of the Revised Code, 11765
any moneys transferred to it under section 1513.181 of the Revised 11766
Code from the coal mining and reclamation reserve fund created in 11767
that section, fines collected under division (E) of section 11768
1513.02 and section 1513.99 of the Revised Code, fines collected 11769
for a violation of section 2921.31 of the Revised Code that, prior 11770
to July 1, 1996, would have been a violation of division (G) of 11771
section 1513.17 of the Revised Code as it existed prior to that 11772
date, and moneys collected and credited to it pursuant to section 11773
5749.02 of the Revised Code. Disbursements from the fund shall be 11774
made by the chief in accordance with division (D) of this section 11775
for the purpose of reclaiming areas that an operator has affected 11776
by mining and failed to reclaim under a coal mining and 11777
reclamation permit issued under this chapter or under a surface 11778
mining permit issued under Chapter 1514. of the Revised Code. 11779

The chief may expend moneys from the fund to pay necessary 11780
administrative costs, including engineering and design services, 11781
incurred by the division of mineral resources management in 11782
reclaiming these areas. The chief also may expend moneys from the 11783
fund to pay necessary administrative costs of the reclamation 11784
forfeiture fund advisory board created in section 1513.182 of the 11785
Revised Code as authorized by the board under that section. 11786
Expenditures from the fund to pay such administrative costs need 11787
not be made under contract. 11788

(C) Except when paying necessary administrative costs 11789
authorized by division (B) of this section, expenditures from the 11790
fund shall be made under contracts entered into by the chief, with 11791
the approval of the director of natural resources, in accordance 11792
with procedures established by the chief, by rules adopted in 11793
accordance with section 1513.02 of the Revised Code. The chief may 11794
reclaim the land in the same manner as set forth in sections 11795
1513.21 to 1513.24 of the Revised Code. Each contract awarded by 11796

the chief shall be awarded to the lowest responsive and 11797
responsible bidder, in accordance with section 9.312 of the 11798
Revised Code, after sealed bids are received, opened, and 11799
published at the time and place fixed by the chief. The chief 11800
shall publish notice of the time and place at which bids will be 11801
received, opened, and published, at least once and at least ten 11802
days before the date of the opening of the bids, in a newspaper of 11803
general circulation in the county in which the area of land to be 11804
reclaimed under the contract is located. If, after advertising, no 11805
bids are received at the time and place fixed for receiving them, 11806
the chief may advertise again for bids, or, if the chief considers 11807
the public interest will best be served, the chief may enter into 11808
a contract for the reclamation of the area of land without further 11809
advertisement for bids. The chief may reject any or all bids 11810
received and again publish notice of the time and place at which 11811
bids for contracts will be received, opened, and published. The 11812
chief, with the approval of the director, may enter into a 11813
contract with the landowner, a coal mine operator or surface mine 11814
operator mining under a current, valid permit issued under this 11815
chapter or Chapter 1514. of the Revised Code, or a contractor 11816
hired by the surety or trustee, if the performance security is 11817
held in trust, to complete reclamation to carry out reclamation on 11818
land affected by coal mining on which an operator has defaulted 11819
without advertising for bids. 11820

(D)(1) The chief shall expend money credited to the 11821
reclamation forfeiture fund from the forfeiture of the performance 11822
security applicable to an area of land to pay for the cost of the 11823
reclamation of the land. 11824

(2) If the performance security for the area of land was 11825
provided under division (C)(1) of section 1513.08 of the Revised 11826
Code, the chief shall use the money from the forfeited performance 11827
security to complete the reclamation that the operator failed to 11828

do under the operator's applicable coal mining and reclamation 11829
permit issued under this chapter. 11830

(3) If the performance security for the area of land was 11831
provided under division (C)(2) of section 1513.08 of the Revised 11832
Code, the chief shall use the money from the forfeited performance 11833
security to complete the reclamation that the operator failed to 11834
do under the operator's applicable coal mining and reclamation 11835
permit issued under this chapter. If the money credited to the 11836
reclamation forfeiture fund from the forfeiture of the performance 11837
security provided under division (C)(2) of section 1513.08 of the 11838
Revised Code is not sufficient to complete the reclamation, the 11839
chief shall notify the reclamation forfeiture fund advisory board 11840
of the amount of the insufficiency. The chief may expend money 11841
credited to the reclamation forfeiture fund under section 5749.02 11842
of the Revised Code or transferred to the fund under section 11843
1513.181 of the Revised Code to complete the reclamation. The 11844
chief shall not expend money from the fund in an amount that 11845
exceeds the difference between the amount of the performance 11846
security provided under division (C)(2) of section 1513.08 of the 11847
Revised Code and the estimated cost of reclamation as determined 11848
by the chief under divisions (B) and (E) of that section. 11849

(4) Money from the reclamation forfeiture fund shall not be 11850
used for reclamation of land or water resources affected by 11851
material damage from subsidence, or mine drainage that requires 11852
extended water treatment after reclamation is completed under the 11853
terms of the permit, ~~or coal preparation plants or coal refuse~~ 11854
~~disposal areas not located within a permitted area of a mine if~~ 11855
~~performance security for the area of land was provided under~~ 11856
~~division (C)(2) of section 1513.08 of the Revised Code. In~~ 11857
addition, money from the reclamation forfeiture fund shall not be 11858
used to supplement the performance security of an applicant or 11859
permittee that has provided performance security in accordance 11860

with division (C)(1) of section 1513.08 of the Revised Code. 11861

(E) The chief shall keep a detailed accounting of the 11862
expenditures from the reclamation forfeiture fund to complete 11863
reclamation of the land and, upon completion of the reclamation, 11864
shall certify the expenditures to the attorney general. Upon the 11865
chief's certification of the expenditures from the reclamation 11866
forfeiture fund, the attorney general shall bring an action for 11867
that amount of money. The operator is liable for that expense in 11868
addition to any other liabilities imposed by law. Moneys so 11869
recovered shall be credited to the reclamation forfeiture fund. 11870
The chief shall not postpone the reclamation because of any action 11871
brought by the attorney general under this division. Prior to 11872
completing reclamation, the chief may collect through the attorney 11873
general any additional amount that the chief believes will be 11874
necessary for reclamation in excess of the forfeited performance 11875
security amount applicable to the land that the operator should 11876
have, but failed to, reclaim. 11877

(F) Except as otherwise provided in division (H) of this 11878
section, if any part of the moneys in the reclamation forfeiture 11879
fund remains in the fund after the chief has caused the area of 11880
land to be reclaimed and has paid all the reclamation costs and 11881
expenses, the chief may expend those moneys to complete other 11882
reclamation work performed under this section on forfeiture areas 11883
affected under a coal mining and reclamation permit issued on or 11884
after September 1, 1981. 11885

(G) The chief shall require every contractor performing 11886
reclamation work pursuant to this section to pay workers at the 11887
greater of their regular rate of pay, as established by contract, 11888
agreement, or prior custom or practice, or the average wage rate 11889
paid in this state for the same or similar work as determined by 11890
the chief under section 1513.02 of the Revised Code. 11891

(H) All investment earnings of the fund shall be credited to 11892

the fund and shall be used only for the reclamation of land for 11893
which performance security was provided under division (C)(2) of 11894
section 1513.08 of the Revised Code. 11895

Sec. 1514.081. (A) As used in this section: 11896

(1) "Lime mining wastes" means residual solid or semisolid 11897
materials generated from lime ~~or limestone mining and processing~~ 11898
calcining, lime processing, or lime manufacturing operations, 11899
including, without limitation, lime kiln dust, scrubber sludge 11900
from lime kiln operations, lime ~~or limestone~~ materials not meeting 11901
product specification, lime hydrating materials, and other lime ~~or~~ 11902
~~limestone mining~~ manufacturing, processing, or calcining materials 11903
associated with lime ~~or limestone mining or~~ processing. "Lime 11904
mining wastes" does not include materials generated from the 11905
manufacture of cement. 11906

(2) "Beneficial use" means the use of lime mining wastes 11907
~~within a lime mining and reclamation area~~ for land application 11908
when it is utilized for agronomic purposes at standard agronomic 11909
rates as determined by standard soil testing, for land reclamation 11910
in accordance with this chapter and rules adopted under it, 11911
including, but not limited to, use as fill material, as defined by 11912
rule, in quarries, and for any other purposes designated by the 11913
chief of the division of mineral resources management, including 11914
demonstration projects approved by the chief. 11915

(3) "Solid waste disposal facility" means a facility for the 11916
disposal of solid wastes that is licensed under Chapter 3734. of 11917
the Revised Code. 11918

(4) "Disposal system" has the same meaning as in section 11919
6111.01 of the Revised Code. 11920

(B) Not later than two hundred seventy days after ~~the~~ 11921
~~effective date of this section~~ October 8, 2001, the chief shall 11922

adopt and may amend, suspend, or rescind rules in accordance with 11923
Chapter 119. of the Revised Code establishing standards and 11924
requirements for both of the following: 11925

(1) The beneficial use of lime mining wastes, including the 11926
beneficial use of lime mining wastes at lime mining and 11927
reclamation operations governed by this chapter; 11928

(2) The monitoring of ground water associated with the 11929
beneficial use of lime mining wastes and the taking of corrective 11930
action in the event of a subsurface discharge of leachate from the 11931
beneficial use of lime mining wastes or of contamination of ground 11932
water resulting from the beneficial use of lime mining wastes, in 11933
order to protect human health and environment. 11934

The beneficial use of lime mining wastes is subject to any 11935
applicable standards and requirements established under this 11936
chapter and rules adopted under it. Until such time as the chief 11937
adopts rules under this section, the beneficial use of lime mining 11938
wastes shall require the prior written approval of the chief in a 11939
surface mining permit issued under this chapter. 11940

(C) The beneficial use of lime mining wastes does not 11941
constitute establishing a solid waste disposal facility or a 11942
disposal system. A beneficial use of lime mining wastes that is 11943
authorized under this section is not subject to any of the 11944
following: 11945

(1) Permit and license requirements for solid waste 11946
facilities established under sections 3734.02 and 3734.05 of the 11947
Revised Code; 11948

(2) The prohibition against open dumping of solid wastes 11949
established under section 3734.03 of the Revised Code; 11950

(3) Solid waste disposal and generation fees established 11951
under sections 3734.57 to 3734.574 of the Revised Code; 11952

(4) Permit to install and plan approval requirements and 11953
prohibitions established under sections 6111.03, 6111.04, 6111.44, 11954
and 6111.45 of the Revised Code. 11955

Nothing in this section shall be construed to limit any other 11956
requirements that are applicable to the beneficial use of lime 11957
mining wastes under Chapter 905., 3704., 3714., 3734., or 6111. of 11958
the Revised Code or any local or federal laws, including, without 11959
limitation, requirements governing air pollution control permits, 11960
hazardous waste installation and operation permits, national 11961
pollutant discharge elimination system permits, and section 401 11962
water quality certifications. 11963

Sec. 1514.40. In accordance with Chapter 119. of the Revised 11964
Code, the chief of the division of mineral resources management, 11965
in consultation with a statewide association that represents the 11966
surface mining industry, shall adopt rules that do all of the 11967
following: 11968

(A) For the purpose of establishing safety standards 11969
governing surface mining operations, incorporate by reference 30 11970
C.F.R. parts 46, 47, 50, 56, 58, and 62, as amended; 11971

(B) Establish criteria, standards, and procedures governing 11972
safety performance evaluations conducted under section 1514.45 of 11973
the Revised Code, including requirements for the notification of 11974
operators and the identification of authorized representatives of 11975
miners at surface mining operations for purposes of inspections 11976
conducted under sections ~~1541.41~~ 1514.41 to ~~1541.47~~ 1514.47 of the 11977
Revised Code; 11978

(C) Establish requirements governing the reporting and 11979
investigation of accidents at surface mining operations. In 11980
adopting the rules, the chief shall establish requirements that 11981
minimize duplication with any reporting and investigations of 11982
accidents that are conducted by the mine safety and health 11983

administration in the United States department of labor.	11984
(D) Establish the time, place, and frequency of mine safety training conducted under section 1514.06 of the Revised Code and a fee, if any, for the purpose of that section. The amount of the fee shall not exceed the costs of conducting the training that is required under that section.	11985 11986 11987 11988 11989
(E) Establish the minimum qualifications necessary to take the examination that is required for certification of certified mine forepersons under division (B) of section 1514.47 of the Revised Code and requirements, fees, and procedures governing the taking of the examination;	11990 11991 11992 11993 11994
(F) Establish requirements and fees governing the renewal of certificates under division (C) of that section;	11995 11996
(G) Establish requirements and procedures for the approval of training plans submitted under division (E) of that section for the use of qualified persons to conduct examinations of surface mining operations in lieu of certified mine forepersons and minimum qualifications of those persons. The rules shall include requirements governing training frequency and curriculum that must be provided for qualified persons under such plans and shall establish related reporting and record keeping requirements.	11997 11998 11999 12000 12001 12002 12003 12004
As used in sections 1514.41 to 1514.47 of the Revised Code, "rule" means a rule adopted under this section unless the context indicates otherwise.	12005 12006 12007
Sec. 1521.01. As used in sections 1521.01 to 1521.05, <u>and</u> 1521.13 to 1521.18, and 1521.20 to 1521.30 of the Revised Code:	12008 12009
(A) "Consumptive use," "diversion," "Lake Erie drainage basin," "other great lakes states and provinces," "water resources," and "waters of the state" have the same meanings as in section 1501.30 of the Revised Code.	12010 12011 12012 12013

(B) "Well" means any excavation, regardless of design or	12014
method of construction, created for any of the following purposes:	12015
(1) Removing ground water from or recharging water into an	12016
aquifer, excluding subsurface drainage systems installed to	12017
enhance agricultural crop production or urban or suburban	12018
landscape management or to control seepage in dams, dikes, and	12019
levees;	12020
(2) Determining the quantity, quality, level, or movement of	12021
ground water in or the stratigraphy of an aquifer, excluding	12022
borings for instrumentation in dams, dikes, levees, or highway	12023
embankments;	12024
(3) Removing or exchanging heat from ground water, excluding	12025
horizontal trenches that are installed for water source heat pump	12026
systems.	12027
(C) "Aquifer" means a consolidated or unconsolidated geologic	12028
formation or series of formations that are hydraulically	12029
interconnected and that have the ability to receive, store, or	12030
transmit water.	12031
(D) "Ground water" means all water occurring in an aquifer.	12032
(E) "Ground water stress area" means a definable geographic	12033
area in which ground water quantity is being affected by human	12034
activity or natural forces to the extent that continuous	12035
availability of supply is jeopardized by withdrawals.	12036
(F) "Person" has the same meaning as in section 1.59 of the	12037
Revised Code and also includes the United States, the state, any	12038
political subdivision of the state, and any department, division,	12039
board, commission, agency, or instrumentality of the United	12040
States, the state, or a political subdivision of the state.	12041
(G) "State agency" or "agency of the state" has the same	12042
meaning as "agency" in section 111.15 of the Revised Code.	12043

(H) "Development" means any artificial change to improved or 12044
unimproved real estate, including the construction of buildings 12045
and other structures, any substantial improvement of a structure, 12046
mining, dredging, filling, grading, paving, excavating, and 12047
drilling operations, and storage of equipment or materials. 12048

(I) "Floodplain" means the area adjoining any river, stream, 12049
watercourse, or lake that has been or may be covered by flood 12050
water. 12051

(J) "Floodplain management" means the implementation of an 12052
overall program of corrective and preventive measures for reducing 12053
flood damage, including the collection and dissemination of flood 12054
information, construction of flood control works, nonstructural 12055
flood damage reduction techniques, and adoption of rules, 12056
ordinances, or resolutions governing development in floodplains. 12057

(K) "One-hundred-year flood" means a flood having a one per 12058
cent chance of being equaled or exceeded in any given year. 12059

(L) "One-hundred-year floodplain" means that portion of a 12060
floodplain inundated by a one-hundred-year flood. 12061

(M) "Structure" means a walled and roofed building, 12062
including, without limitation, gas or liquid storage tanks, mobile 12063
homes, and manufactured homes. 12064

(N) "Substantial improvement" means any reconstruction, 12065
rehabilitation, addition, or other improvement of a structure, the 12066
cost of which equals or exceeds fifty per cent of the market value 12067
of the structure before the start of construction of the 12068
improvement. "Substantial improvement" includes repairs to 12069
structures that have incurred substantial damage regardless of the 12070
actual repair work performed. "Substantial improvement" does not 12071
include either of the following: 12072

(1) Any project for the improvement of a structure to correct 12073
existing violations of state or local health, sanitary, or safety 12074

code specifications that have been identified by the state or 12075
local code enforcement official having jurisdiction and that are 12076
the minimum necessary to ensure safe living conditions; 12077

(2) Any alteration of an historic structure designated or 12078
listed pursuant to federal or state law, provided that the 12079
alteration will not preclude the structure's continued listing or 12080
designation as an historic structure. 12081

~~(O) "Shore structure" includes, but is not limited to:~~ 12082
~~beaches; groins; revetments; bulkheads; seawalls; breakwaters;~~ 12083
~~certain dikes designated by the chief of the division of water;~~ 12084
~~piers; docks; jetties; wharves; marinas; boat ramps; any~~ 12085
~~associated fill or debris used as part of the construction of~~ 12086
~~shore structures that may affect shore erosion, wave action, or~~ 12087
~~inundation; and fill or debris placed along or near the shore,~~ 12088
~~including bluffs, banks, or beach ridges, for the purpose of~~ 12089
~~stabilizing slopes.~~ 12090

~~(P)~~ "Substantial damage" means damage of any origin that is 12091
sustained by a structure if the cost of restoring the structure to 12092
its condition prior to the damage would equal or exceed fifty per 12093
cent of the market value of the structure before the damage 12094
occurred. 12095

~~(Q)~~(P) "National flood insurance program" means the national 12096
flood insurance program established in the "National Flood 12097
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 12098
and regulations adopted under it. 12099

~~(R)~~(O) "Conservancy district" means a conservancy district 12100
established under Chapter 6101. of the Revised Code. 12101

~~(S)~~ "Park board" means the board of park commissioners of a 12102
park district created under Chapter 1545. of the Revised Code. 12103

~~(T)~~ "Erosion control structure" means anything that is 12104
designed primarily to reduce or control erosion of the shore along 12105

~~or near lake erie, including, but not limited to, revetments, 121106
seawalls, bulkheads, certain breakwaters designated by the chief, 121107
and similar structures. "Erosion control structure" does not 121108
include wharves, piers, docks, marinas, boat ramps, and other 121109
similar structures. 121110~~

Sec. 1521.99. (A) Whoever violates division (E)(1) of section 121111
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 121112
is guilty of a misdemeanor of the fourth degree. 121113

(B) Whoever violates section 1521.06 or 1521.062 of the 121114
Revised Code shall be fined not less than one hundred dollars nor 121115
more than one thousand dollars for each offense. Each day of 121116
violation constitutes a separate offense. 121117

~~(C) Whoever violates sections 1521.20 to 1521.30 of the 121118
Revised Code shall be fined not less than one hundred dollars nor 121119
more than one thousand dollars for each offense. Each day of 121120
violation constitutes a separate offense. 121121~~

Sec. 1531.06. (A) The chief of the division of wildlife, with 121122
the approval of the director of natural resources, may acquire by 121123
gift, lease, purchase, or otherwise lands or surface rights upon 121124
lands and waters or surface rights upon waters for wild animals, 121125
fish or game management, preservation, propagation, and 121126
protection, outdoor and nature activities, public fishing and 121127
hunting grounds, and flora and fauna preservation. The chief, with 121128
the approval of the director, may receive by grant, devise, 121129
bequest, donation, or assignment evidences of indebtedness, the 121130
proceeds of which are to be used for the purchase of such lands or 121131
surface rights upon lands and waters or surface rights upon 121132
waters. 121133

(B)(1) The chief shall adopt rules for the protection of 121134
state-owned or leased lands and waters and property under the 121135

control of the division of wildlife against wrongful use or 12136
occupancy that will ensure the carrying out of the intent of this 12137
section, protect those lands, waters, and property from 12138
depredations, and preserve them from molestation, spoilation, 12139
destruction, or any improper use or occupancy thereof, including 12140
rules with respect to recreational activities and for the 12141
government and use of such lands, waters, and property. 12142

(2) The chief may adopt rules benefiting wild animals, fish 12143
or game management, preservation, propagation, and protection, 12144
outdoor and nature activities, public fishing and hunting grounds, 12145
and flora and fauna preservation, and regulating the taking and 12146
possession of wild animals on any lands or waters owned or leased 12147
or under the division's supervision and control and, for a 12148
specified period of years, may prohibit or recall the taking and 12149
possession of any wild animal on any portion of such lands or 12150
waters. The division clearly shall define and mark the boundaries 12151
of the lands and waters owned or leased or under its supervision 12152
and control upon which the taking of any wild animal is 12153
prohibited. 12154

(C) The chief, with the approval of the director, may acquire 12155
by gift, lease, or purchase land for the purpose of establishing 12156
state fish hatcheries and game farms and may erect on it buildings 12157
or structures that are necessary. 12158

The title to or lease of such lands and waters shall be taken 12159
by the chief in the name of the state. The lease or purchase price 12160
of all such lands and waters may be paid from hunting and trapping 12161
and fishing licenses and any other funds. 12162

(D) To provide more public recreation, stream and lake 12163
agreements for public fishing only may be obtained under rules 12164
adopted by the chief. 12165

(E) The chief, with the approval of the director, may 12166

establish user fees for the use of special public facilities or 12167
participation in special activities on lands and waters 12168
administered by the division. The special facilities and 12169
activities may include hunting or fishing on special designated 12170
public lands and waters intensively managed or stocked with 12171
artificially propagated game birds or fish, field trial 12172
facilities, wildlife nature centers, firearm ranges, boat mooring 12173
facilities, camping sites, and other similar special facilities 12174
and activities. The chief shall determine whether the user fees 12175
are refundable and shall ensure that that information is provided 12176
at the time the user fees are paid. 12177

(F) The chief, with the approval of the director, may enter 12178
into lease agreements for rental of concessions or other special 12179
projects situated on state-owned or leased lands or waters or 12180
other property under the division's control. The chief shall set 12181
and collect the fees for concession rentals or other special 12182
projects; regulate through contracts between the division and 12183
concessionaires the sale of tangible objects at concessions or 12184
other special projects; and keep a record of all such fee payments 12185
showing the amount received, from whom received, and for what 12186
purpose the fee was collected. 12187

(G) The chief may sell or donate conservation-related items 12188
or items that promote wildlife conservation, including, but not 12189
limited to, stamps, pins, badges, books, bulletins, maps, 12190
publications, calendars, and any other educational article or 12191
artifact pertaining to wild animals; sell confiscated or forfeited 12192
items; and sell surplus structures and equipment, and timber or 12193
crops from lands owned, administered, leased, or controlled by the 12194
division. The chief, with the approval of the director, also may 12195
engage in campaigns and special events that promote wildlife 12196
conservation by selling or donating wildlife-related materials, 12197
memberships, and other items of promotional value. 12198

(H) The chief may sell, lease, or transfer minerals or mineral rights, with the approval of the director, when the chief 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. 12231

The chief shall establish criteria for the issuance of and 12232
shall issue permits for the administration of contraceptive 12233
chemicals to noncaptive wild animals. No person shall administer 12234
contraceptive chemicals to noncaptive wild animals without a 12235
permit issued by the chief. 12236

(L) All fees set by the chief under this section shall be 12237
approved by the wildlife council. 12238

(M) Information contained in the wildlife diversity database 12239
that is established pursuant to division (B)(2) of this section 12240
and section 1531.25 of the Revised Code may be made available to 12241
any individual or public or private agency for research, 12242
educational, environmental, land management, or other similar 12243
purposes that are not detrimental to the conservation of a species 12244
or feature. Information regarding sensitive site locations of 12245
species that are listed pursuant to section 1531.25 of the Revised 12246
Code and of features that are included in the wildlife diversity 12247
database is not subject to section 149.43 of the Revised Code if 12248
the chief determines that the release of the information could be 12249
detrimental to the conservation of a species or feature. 12250

Sec. 1531.35. The wildlife boater angler fund is hereby 12251
created in the state treasury. The fund shall consist of money 12252
credited to the fund pursuant to section 5735.051 of the Revised 12253
Code and other money contributed to the division of wildlife for 12254
the purposes of the fund. The fund shall be used for boating 12255
access construction, improvements, and maintenance, and to pay for 12256
equipment and personnel costs involved with those activities, on 12257
lakes on which the operation of gasoline-powered watercraft is 12258
permissible. However, not more than two hundred thousand dollars 12259
of the annual expenditures from the fund may be used to pay for 12260
the equipment and personnel costs. 12261

Sec. 1555.08. (A) Subject to the limitations provided in 12262
Section 15 of Article VIII, Ohio Constitution, the commissioners 12263
of the sinking fund, upon certification by the director of the 12264
Ohio coal development office of the amount of moneys or additional 12265
moneys needed in the coal research and development fund for the 12266
purpose of making grants or loans for allowable costs, or needed 12267
for capitalized interest, for funding reserves, and for paying 12268
costs and expenses incurred in connection with the issuance, 12269
carrying, securing, paying, redeeming, or retirement of the 12270
obligations or any obligations refunded thereby, including payment 12271
of costs and expenses relating to letters of credit, lines of 12272
credit, insurance, put agreements, standby purchase agreements, 12273
indexing, marketing, remarketing and administrative arrangements, 12274
interest swap or hedging agreements, and any other credit 12275
enhancement, liquidity, remarketing, renewal, or refunding 12276
arrangements, all of which are authorized by this section, or 12277
providing moneys for loan guarantees, shall issue obligations of 12278
the state under this section in amounts authorized by the general 12279
assembly; provided that such obligations may be issued to the 12280
extent necessary to satisfy the covenants in contracts of 12281
guarantee made under section 1555.05 of the Revised Code to issue 12282
obligations to meet such guarantees, notwithstanding limitations 12283
otherwise applicable to the issuance of obligations under this 12284
section except the one-hundred-million-dollar limitation provided 12285
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 12286
such obligations, except for the portion to be deposited in the 12287
coal research and development bond service fund as may be provided 12288
in the bond proceedings, shall as provided in the bond proceedings 12289
be deposited in the coal research and development fund. The 12290
commissioners of the sinking fund may appoint trustees, paying 12291
agents, and transfer agents and may retain the services of 12292
financial advisors, accounting experts, and attorneys, and retain 12293

or contract for the services of marketing, remarketing, indexing, 12294
and administrative agents, other consultants, and independent 12295
contractors, including printing services, as are necessary in 12296
their judgment to carry out this section. 12297

(B) The full faith and credit of the state of Ohio is hereby 12298
pledged to obligations issued under this section. The right of the 12299
holders and owners to payment of bond service charges is limited 12300
to all or that portion of the moneys pledged thereto pursuant to 12301
the bond proceedings in accordance with this section, and each 12302
such obligation shall bear on its face a statement to that effect. 12303

(C) Obligations shall be authorized by resolution of the 12304
commissioners of the sinking fund on request of the director of 12305
the Ohio coal development office as provided in section 1555.02 of 12306
the Revised Code and the bond proceedings shall provide for the 12307
purpose thereof and the principal amount or amounts, and shall 12308
provide for or authorize the manner or agency for determining the 12309
principal maturity or maturities, not exceeding forty years from 12310
the date of issuance, the interest rate or rates or the maximum 12311
interest rate, the date of the obligations and the dates of 12312
payment of interest thereon, their denomination, and the 12313
establishment within or without the state of a place or places of 12314
payment of bond service charges. Sections 9.98 to 9.983 of the 12315
Revised Code apply to obligations issued under this section. The 12316
purpose of such obligations may be stated in the bond proceedings 12317
in terms describing the general purpose or purposes to be served. 12318
The bond proceedings shall also provide, subject to the provisions 12319
of any other applicable bond proceedings, for the pledge of all, 12320
or such part as the commissioners of the sinking fund may 12321
determine, of the moneys credited to the coal research and 12322
development bond service fund to the payment of bond service 12323
charges, which pledges may be made either prior or subordinate to 12324
other expenses, claims, or payments and may be made to secure the 12325

obligations on a parity with obligations theretofore or thereafter 12326
issued, if and to the extent provided in the bond proceedings. The 12327
moneys so pledged and thereafter received by the state are 12328
immediately subject to the lien of such pledge without any 12329
physical delivery thereof or further act, and the lien of any such 12330
pledges is valid and binding against all parties having claims of 12331
any kind against the state or any governmental agency of the 12332
state, irrespective of whether such parties have notice thereof, 12333
and shall create a perfected security interest for all purposes of 12334
Chapter 1309. of the Revised Code, without the necessity for 12335
separation or delivery of funds or for the filing or recording of 12336
the bond proceedings by which such pledge is created or any 12337
certificate, statement or other document with respect thereto; and 12338
the pledge of such moneys is effective and the money therefrom and 12339
thereof may be applied to the purposes for which pledged without 12340
necessity for any act of appropriation. Every pledge, and every 12341
covenant and agreement made with respect thereto, made in the bond 12342
proceedings may therein be extended to the benefit of the owners 12343
and holders of obligations authorized by this section, and to any 12344
trustee therefor, for the further security of the payment of the 12345
bond service charges. 12346

(D) The bond proceedings may contain additional provisions as 12347
to: 12348

(1) The redemption of obligations prior to maturity at the 12349
option of the commissioners of the sinking fund at such price or 12350
prices and under such terms and conditions as are provided in the 12351
bond proceedings; 12352

(2) Other terms of the obligations; 12353

(3) Limitations on the issuance of additional obligations; 12354

(4) The terms of any trust agreement or indenture securing 12355
the obligations or under which the obligations may be issued; 12356

(5) The deposit, investment, and application of the coal 12357
research and development bond service fund, and the safeguarding 12358
of moneys on hand or on deposit, without regard to Chapter 131. or 12359
135. of the Revised Code, but subject to any special provisions of 12360
this chapter, with respect to particular moneys; provided, that 12361
any bank or trust company which acts as depository of any moneys 12362
in the fund may furnish such indemnifying bonds or may pledge such 12363
securities as required by the commissioners of the sinking fund; 12364

(6) Any other provision of the bond proceedings being binding 12365
upon the commissioners of the sinking fund, or such other body or 12366
person as may from time to time have the authority under law to 12367
take such actions as may be necessary to perform all or any part 12368
of the duty required by such provision; 12369

(7) Any provision which may be made in a trust agreement or 12370
indenture; 12371

(8) Any other or additional agreements with the holders of 12372
the obligations, or the trustee therefor, relating to the 12373
obligations or the security therefor, including the assignment of 12374
mortgages or other security obtained or to be obtained for loans 12375
under this chapter. 12376

(E) The obligations may have the great seal of the state or a 12377
facsimile thereof affixed thereto or printed thereon. The 12378
obligations shall be signed by such members of the commissioners 12379
of the sinking fund as are designated in the resolution 12380
authorizing the obligations or bear the facsimile signatures of 12381
such members. Any coupons attached to the obligations shall bear 12382
the facsimile signature of the treasurer of state. Any obligations 12383
may be executed by the persons who, on the date of execution, are 12384
the commissioners although on the date of such bonds the persons 12385
were not the commissioners. Any coupons may be executed by the 12386
person who, on the date of execution, is the treasurer of state 12387
although on the date of such coupons the person was not the 12388

treasurer of state. In case any officer or commissioner whose signature or a facsimile of whose signature appears on any such obligations or any coupons ceases to be such officer or commissioner before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the individual had remained such officer or commissioner until such delivery; and in case the seal to be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

(F) All obligations except loan guarantees are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the commissioners of the sinking fund determine. 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.

(G) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.

(H) Pending preparation of definitive obligations, the commissioners of the sinking fund may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

(I) In the discretion of the commissioners of the sinking fund, obligations may be secured additionally by a trust agreement

or indenture between the commissioners and a corporate trustee, 12421
which may be any trust company or bank having ~~its principal a~~ 12422
place of business within the state. Any such agreement or 12423
indenture may contain the resolution authorizing the issuance of 12424
the obligations, any provisions that may be contained in any bond 12425
proceedings, and other provisions that are customary or 12426
appropriate in an agreement or indenture of such type, including, 12427
but not limited to: 12428

(1) Maintenance of each pledge, trust agreement, indenture, 12429
or other instrument comprising part of the bond proceedings until 12430
the state has fully paid the bond service charges on the 12431
obligations secured thereby, or provision therefor has been made; 12432

(2) In the event of default in any payments required to be 12433
made by the bond proceedings, or any other agreement of the 12434
commissioners of the sinking fund made as a part of the contract 12435
under which the obligations were issued, enforcement of such 12436
payments or agreement by mandamus, the appointment of a receiver, 12437
suit in equity, action at law, or any combination of the 12438
foregoing; 12439

(3) The rights and remedies of the holders of obligations and 12440
of the trustee, and provisions for protecting and enforcing them, 12441
including limitations on rights of individual holders of 12442
obligations; 12443

(4) The replacement of any obligations that become mutilated 12444
or are destroyed, lost, or stolen; 12445

(5) Such other provisions as the trustee and the 12446
commissioners of the sinking fund agree upon, including 12447
limitations, conditions, or qualifications relating to any of the 12448
foregoing. 12449

(J) Any holder of obligations or a trustee under the bond 12450
proceedings, except to the extent that the holder's rights are 12451

restricted by the bond proceedings, may by any suitable form of 12452
legal proceedings protect and enforce any rights under the laws of 12453
this state or granted by such bond proceedings. Such rights 12454
include the right to compel the performance of all duties of the 12455
commissioners of the sinking fund, the Ohio air quality 12456
development authority, or the Ohio coal development office 12457
required by this chapter and Chapter 1551. of the Revised Code or 12458
the bond proceedings; to enjoin unlawful activities; and in the 12459
event of default with respect to the payment of any bond service 12460
charges on any obligations or in the performance of any covenant 12461
or agreement on the part of the commissioners, the authority, or 12462
the office in the bond proceedings, to apply to a court having 12463
jurisdiction of the cause to appoint a receiver to receive and 12464
administer the moneys pledged, other than those in the custody of 12465
the treasurer of state, that are pledged to the payment of the 12466
bond service charges on such obligations or that are the subject 12467
of the covenant or agreement, with full power to pay, and to 12468
provide for payment of bond service charges on, such obligations, 12469
and with such powers, subject to the direction of the court, as 12470
are accorded receivers in general equity cases, excluding any 12471
power to pledge additional revenues or receipts or other income or 12472
moneys of the commissioners of the sinking fund or the state or 12473
governmental agencies of the state to the payment of such 12474
principal and interest and excluding the power to take possession 12475
of, mortgage, or cause the sale or otherwise dispose of any 12476
project. 12477

Each duty of the commissioners of the sinking fund and their 12478
employees, and of each governmental agency and its officers, 12479
members, or employees, undertaken pursuant to the bond proceedings 12480
or any grant, loan, or loan guarantee agreement made under 12481
authority of this chapter, and in every agreement by or with the 12482
commissioners, is hereby established as a duty of the 12483
commissioners, and of each such officer, member, or employee 12484

having authority to perform such duty, specifically enjoined by 12485
the law resulting from an office, trust, or station within the 12486
meaning of section 2731.01 of the Revised Code. 12487

The persons who are at the time the commissioners of the 12488
sinking fund, or their employees, are not liable in their personal 12489
capacities on any obligations issued by the commissioners or any 12490
agreements of or with the commissioners. 12491

(K) Obligations issued under this section are lawful 12492
investments for banks, societies for savings, savings and loan 12493
associations, deposit guarantee associations, trust companies, 12494
trustees, fiduciaries, insurance companies, including domestic for 12495
life and domestic not for life, trustees or other officers having 12496
charge of sinking and bond retirement or other special funds of 12497
political subdivisions and taxing districts of this state, the 12498
commissioners of the sinking fund of the state, the administrator 12499
of workers' compensation, the state teachers retirement system, 12500
the public employees retirement system, the school employees 12501
retirement system, and the Ohio police and fire pension fund, 12502
notwithstanding any other provisions of the Revised Code or rules 12503
adopted pursuant thereto by any governmental agency of the state 12504
with respect to investments by them, and are also acceptable as 12505
security for the deposit of public moneys. 12506

(L) If the law or the instrument creating a trust pursuant to 12507
division (I) of this section expressly permits investment in 12508
direct obligations of the United States or an agency of the United 12509
States, unless expressly prohibited by the instrument, such moneys 12510
also may be invested in no-front-end-load money market mutual 12511
funds consisting exclusively of obligations of the United States 12512
or an agency of the United States and in repurchase agreements, 12513
including those issued by the fiduciary itself, secured by 12514
obligations of the United States or an agency of the United 12515
States; and in collective investment funds established in 12516

accordance with section 1111.14 of the Revised Code and consisting 12517
exclusively of any such securities, notwithstanding division 12518
(A)(1)(c) of that section. The income from such investments shall 12519
be credited to such funds as the commissioners of the sinking fund 12520
determine, and such investments may be sold at such times as the 12521
commissioners determine or authorize. 12522

(M) Provision may be made in the applicable bond proceedings 12523
for the establishment of separate accounts in the bond service 12524
fund and for the application of such accounts only to the 12525
specified bond service charges on obligations pertinent to such 12526
accounts and bond service fund and for other accounts therein 12527
within the general purposes of such fund. Moneys to the credit of 12528
the bond service fund shall be disbursed on the order of the 12529
treasurer of state; provided, that no such order is required for 12530
the payment from the bond service fund when due of bond service 12531
charges on obligations. 12532

(N) The commissioners of the sinking fund may pledge all, or 12533
such portion as they determine, of the receipts of the bond 12534
service fund to the payment of bond service charges on obligations 12535
issued under this section, and for the establishment and 12536
maintenance of any reserves, as provided in the bond proceedings, 12537
and make other provisions therein with respect to pledged receipts 12538
as authorized by this chapter, which provisions control 12539
notwithstanding any other provisions of law pertaining thereto. 12540

(O) The commissioners of the sinking fund may covenant in the 12541
bond proceedings, and any such covenants control notwithstanding 12542
any other provision of law, that the state and applicable officers 12543
and governmental agencies of the state, including the general 12544
assembly, so long as any obligations are outstanding, shall: 12545

(1) Maintain statutory authority for and cause to be levied 12546
and collected taxes so that the pledged receipts are sufficient in 12547
amount to meet bond service charges, and the establishment and 12548

maintenance of any reserves and other requirements provided for in 12549
the bond proceedings, and, as necessary, to meet covenants 12550
contained in any loan guarantees made under this chapter; 12551

(2) Take or permit no action, by statute or otherwise, that 12552
would impair the exemption from federal income taxation of the 12553
interest on the obligations. 12554

(P) All moneys received by or on account of the state and 12555
required by the applicable bond proceedings, consistent with this 12556
section, to be deposited, transferred, or credited to the coal 12557
research and development bond service fund, and all other moneys 12558
transferred or allocated to or received for the purposes of the 12559
fund, shall be credited to such fund and to any separate accounts 12560
therein, subject to applicable provisions of the bond proceedings, 12561
but without necessity for any act of appropriation. During the 12562
period beginning with the date of the first issuance of 12563
obligations and continuing during such time as any such 12564
obligations are outstanding, and so long as moneys in the bond 12565
service fund are insufficient to pay all bond service charges on 12566
such obligations becoming due in each year, a sufficient amount of 12567
moneys of the state are committed and shall be paid to the bond 12568
service fund in each year for the purpose of paying the bond 12569
service charges becoming due in that year without necessity for 12570
further act of appropriation for such purpose. The bond service 12571
fund is a trust fund and is hereby pledged to the payment of bond 12572
service charges to the extent provided in the applicable bond 12573
proceedings, and payment thereof from such fund shall be made or 12574
provided for by the treasurer of state in accordance with such 12575
bond proceedings without necessity for any act of appropriation. 12576
All investment earnings of the fund shall be credited to the fund. 12577

(Q) For purposes of establishing the limitations contained in 12578
Section 15 of Article VIII, Ohio Constitution, the "principal 12579
amount" refers to the aggregate of the offering price of the bonds 12580

or notes. "Principal amount" does not refer to the aggregate value 12581
at maturity or redemption of the bonds or notes. 12582

(R) This section applies only with respect to obligations 12583
issued and delivered prior to September 30, 2000. 12584

Sec. 1557.03. (A)(1) The commissioners of the sinking fund 12585
are authorized to issue and sell, as provided in this section and 12586
in amounts from time to time authorized by the general assembly, 12587
general obligations of this state for the purpose of financing or 12588
assisting in the financing of the costs of projects. The full 12589
faith and credit, revenues, and taxing power of the state are and 12590
shall be pledged to the timely payment of debt charges on 12591
outstanding obligations, all in accordance with Section 21 of 12592
Article VIII, Ohio Constitution, and Chapter 1557. of the Revised 12593
Code, excluding from that pledge fees, excises, or taxes relating 12594
to the registration, operation, or use of vehicles on the public 12595
highways, or to fuels used for propelling those vehicles, and so 12596
long as such obligations are outstanding there shall be levied and 12597
collected excises and taxes, excluding those excepted above, in 12598
amount sufficient to pay the debt charges on such obligations and 12599
financing costs relating to credit enhancement facilities. 12600

(2) For meetings of the commissioners of the sinking fund 12601
pertaining to the obligations under this chapter, each of the 12602
commissioners may designate an employee or officer of that 12603
commissioner's office to attend meetings when that commissioner is 12604
absent for any reason, and such designee, when present, shall be 12605
counted in determining whether a quorum is present at any meeting 12606
and may vote and participate in all proceedings and actions of the 12607
commissioners at that meeting pertaining to the obligations, 12608
provided, that such designee shall not execute or cause a 12609
facsimile of the designee's signature to be placed on any 12610
obligation, or execute any trust agreement or indenture of the 12611

commissioners. Such designation shall be in writing, executed by 12612
the designating member, and shall be filed with the secretary of 12613
the commissioners and such designation may be changed from time to 12614
time by a similar written designation. 12615

(B) The total principal amount of obligations outstanding at 12616
any one time shall not exceed two hundred million dollars, and not 12617
more than fifty million dollars in principal amount of obligations 12618
to pay costs of projects may be issued in any fiscal year, all 12619
determined as provided in Chapter 1557. of the Revised Code. 12620

(C) The state may participate by grants or contributions in 12621
financing projects under this section made by local government 12622
entities. Of the proceeds of the first two hundred million dollars 12623
principal amount in obligations issued under this section to pay 12624
costs of projects, at least twenty per cent shall be allocated in 12625
accordance with section 1557.06 of the Revised Code to grants or 12626
contributions to local government entities. The director of budget 12627
and management shall establish and maintain records in such manner 12628
as to show that the proceeds credited to the Ohio parks and 12629
natural resources fund have been expended for the purposes and in 12630
accordance with the limitations set forth herein. 12631

(D) Each issue of obligations shall be authorized by 12632
resolution of the commissioners of the sinking fund. The bond 12633
proceedings shall provide for the principal amount or maximum 12634
principal amount of obligations of an issue, and shall provide for 12635
or authorize the manner or agency for determining the principal 12636
maturity or maturities, not exceeding the earlier of twenty-five 12637
years from the date the debt represented by the particular 12638
obligations was originally contracted, the interest rate or rates, 12639
the date of and the dates of payment of interest on the 12640
obligations, their denominations, and the establishment within or 12641
without the state of a place or places of payment of debt charges. 12642
Sections 9.96 and 9.98 to 9.983 of the Revised Code are applicable 12643

to the obligations. The purpose of the obligations may be stated 12644
in the bond proceedings as "financing or assisting in the 12645
financing of projects as provided in Section 21 of Article VIII, 12646
Ohio Constitution." 12647

(E) The proceeds of the obligations, except for any portion 12648
to be deposited in special funds, or in escrow funds for the 12649
purpose of refunding outstanding obligations, all as may be 12650
provided in the bond proceedings, shall be deposited in the Ohio 12651
parks and natural resources fund established by section 1557.02 of 12652
the Revised Code. 12653

(F) The commissioners of the sinking fund may appoint paying 12654
agents, bond registrars, securities depositories, and transfer 12655
agents, and may retain the services of financial advisers and 12656
accounting experts, and retain or contract for the services of 12657
marketing, remarketing, indexing, and administrative agents, other 12658
consultants, and independent contractors, including printing 12659
services, as are necessary in the judgment of the commissioners to 12660
carry out this chapter of the Revised Code. Financing costs are 12661
payable, as provided in the bond proceedings, from the proceeds of 12662
the obligations, from special funds, or from other moneys 12663
available for the purpose. 12664

(G) The bond proceedings, including any trust agreement, may 12665
contain additional provisions customary or appropriate to the 12666
financing or to the obligations or to particular obligations, 12667
including, but not limited to: 12668

(1) The redemption of obligations prior to maturity at the 12669
option of the state or of the holder or upon the occurrence of 12670
certain conditions at such price or prices and under such terms 12671
and conditions as are provided in the bond proceedings; 12672

(2) The form of and other terms of the obligations; 12673

(3) The establishment, deposit, investment, and application 12674

of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, provided that any bank or trust company that acts as a depository of any moneys in special funds may furnish such indemnifying bonds or may pledge such securities as required by the commissioners of the sinking fund;

(4) Any or every provision of the bond proceedings binding upon the commissioners of the sinking fund and such state agency or local government entities, officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(5) The maintenance of each pledge, any trust agreement, or other instrument composing part of the bond proceedings until the state has fully paid or provided for the payment of the debt charges on the obligations or met other stated conditions;

(6) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the commissioners of the sinking fund made as part of a contract under which the obligations were issued or secured, the enforcement of such payments or agreements by mandamus, suit in equity, action at law, or any combination of the foregoing;

(7) The rights and remedies of the holders of obligations and of the trustee under any trust agreement, and provisions for protecting and enforcing them, including limitations on rights of individual holders of obligations;

(8) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;

(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 12706
this section or of the bond proceedings; 12707

(10) Any provision that may be made in bond proceedings or a 12708
trust agreement, including provision for amendment of the bond 12709
proceedings; 12710

(11) Such other provisions as the commissioners of the 12711
sinking fund determine, including limitations, conditions, or 12712
qualifications relating to any of the foregoing; 12713

(12) Any other or additional agreements with the holders of 12714
the obligations relating to the obligations or the security for 12715
the obligations. 12716

(H) The great seal of the state or a facsimile of that seal 12717
may be affixed to or printed on the obligations. The obligations 12718
shall be signed by or bear the facsimile signatures of two or more 12719
of the commissioners of the sinking fund as provided in the bond 12720
proceedings. Any obligations may be signed by the person who, on 12721
the date of execution, is the authorized signer although on the 12722
date of such obligations such person was not a commissioner. In 12723
case the individual whose signature or a facsimile of whose 12724
signature appears on any obligation ceases to be a commissioner 12725
before delivery of the obligation, such signature or facsimile is 12726
nevertheless valid and sufficient for all purposes as if the 12727
individual had remained the member until such delivery, and in 12728
case the seal to be affixed to or printed on obligations has been 12729
changed after the seal has been affixed to or a facsimile of the 12730
seal has been printed on the obligations, that seal or facsimile 12731
seal shall continue to be sufficient as to those obligations and 12732
obligations issued in substitution or exchange therefor. 12733

(I) Obligations may be issued in coupon or in fully 12734
registered form, or both, as the commissioners of the sinking fund 12735
determine. Provision may be made for the registration of any 12736

obligations with coupons attached as to principal alone or as to 12737
both principal and interest, their exchange for obligations so 12738
registered, and for the conversion or reconversion into 12739
obligations with coupons attached of any obligations registered as 12740
to both principal and interest, and for reasonable charges for 12741
such registration, exchange, conversion, and reconversion. Pending 12742
preparation of definitive obligations, the commissioners of the 12743
sinking fund may issue interim receipts or certificates which 12744
shall be exchanged for such definitive obligations. 12745

(J) Obligations may be sold at public sale or at private 12746
sale, and at such price at, above, or below par, as determined by 12747
the commissioners of the sinking fund in the bond proceedings. 12748

(K) In the discretion of the commissioners of the sinking 12749
fund, obligations may be secured additionally by a trust agreement 12750
between the state and a corporate trustee which may be any trust 12751
company or bank having ~~its principal~~ a place of business within 12752
the state. Any trust agreement may contain the resolution 12753
authorizing the issuance of the obligations, any provisions that 12754
may be contained in the bond proceedings, and other provisions 12755
that are customary or appropriate in an agreement of the type. 12756

(L) Except to the extent that their rights are restricted by 12757
the bond proceedings, any holder of obligations, or a trustee 12758
under the bond proceedings, may by any suitable form of legal 12759
proceedings protect and enforce any rights under the laws of this 12760
state or granted by the bond proceedings. Such rights include the 12761
right to compel the performance of all duties of the commissioners 12762
and the state. Each duty of the commissioners and employees of the 12763
commissioners, and of each state agency and local public entity 12764
and its officers, members, or employees, undertaken pursuant to 12765
the bond proceedings, is hereby established as a duty of the 12766
commissioners, and of each such agency, local government entity, 12767
officer, member, or employee having authority to perform such 12768

duty, specifically enjoined by the law and resulting from an 12769
office, trust, or station within the meaning of section 2731.01 of 12770
the Revised Code. The persons who are at the time the 12771
commissioners, or employees of the commissioners, are not liable 12772
in their personal capacities on any obligations or any agreements 12773
of or with the commissioners relating to obligations or under the 12774
bond proceedings. 12775

(M) Obligations are lawful investments for banks, societies 12776
for savings, savings and loan associations, deposit guarantee 12777
associations, trust companies, trustees, fiduciaries, insurance 12778
companies, including domestic for life and domestic not for life, 12779
trustees or other officers having charge of sinking and bond 12780
retirement or other special funds of political subdivisions and 12781
taxing districts of this state, the commissioners of the sinking 12782
fund, the administrator of workers' compensation, the state 12783
teachers retirement system, the public employees retirement 12784
system, the school employees retirement system, and the Ohio 12785
police and fire pension fund, notwithstanding any other provisions 12786
of the Revised Code or rules adopted pursuant thereto by any state 12787
agency with respect to investments by them, and are also 12788
acceptable as security for the deposit of public moneys. 12789

(N) Unless otherwise provided in any applicable bond 12790
proceedings, moneys to the credit of or in the special funds 12791
established by or pursuant to this section may be invested by or 12792
on behalf of the commissioners of the sinking fund only in notes, 12793
bonds, or other direct obligations of the United States or of any 12794
agency or instrumentality of the United States, in obligations of 12795
this state or any political subdivision of this state, in 12796
certificates of deposit of any national bank located in this state 12797
and any bank, as defined in section 1101.01 of the Revised Code, 12798
subject to inspection by the superintendent of financial 12799
institutions, in the Ohio subdivision's fund established pursuant 12800

to section 135.45 of the Revised Code, in no-front-end-load money 12801
market mutual funds consisting exclusively of direct obligations 12802
of the United States or of an agency or instrumentality of the 12803
United States, and in repurchase agreements, including those 12804
issued by any fiduciary, secured by direct obligations of the 12805
United States or an agency or instrumentality of the United 12806
States, and in collective investment funds established in 12807
accordance with section 1111.14 of the Revised Code and consisting 12808
exclusively of direct obligations of the United States or of an 12809
agency or instrumentality of the United States, notwithstanding 12810
division (A)(1)(c) of that section. The income from investments 12811
shall be credited to such special funds or otherwise as the 12812
commissioners of the sinking fund determine in the bond 12813
proceedings, and the investments may be sold or exchanged at such 12814
times as the commissioners determine or authorize. 12815

(O) Unless otherwise provided in any applicable bond 12816
proceedings, moneys to the credit of or in a special fund shall be 12817
disbursed on the order of the commissioners of the sinking fund, 12818
provided that no such order is required for the payment from the 12819
bond service fund or other special fund when due of debt charges 12820
or required payments under credit enhancement facilities. 12821

(P) The commissioners of the sinking fund may covenant in the 12822
bond proceedings, and any such covenants shall be controlling 12823
notwithstanding any other provision of law, that the state and the 12824
applicable officers and agencies of the state, including the 12825
general assembly, so long as any obligations are outstanding in 12826
accordance with their terms, shall maintain statutory authority 12827
for and cause to be charged and collected taxes, excises, and 12828
other receipts of the state so that the receipts to the bond 12829
service fund shall be sufficient in amounts to meet debt charges 12830
and for the establishment and maintenance of any reserves and 12831
other requirements, including payment of the costs of credit 12832

enhancement facilities, provided for in the bond proceedings. 12833

(Q) The obligations, the transfer thereof, and the interest, 12834
other accreted amounts, and other income therefrom, including any 12835
profit made on the sale thereof, at all times shall be free from 12836
taxation, direct or indirect, within the state. 12837

(R) This section applies only with respect to obligations 12838
issued and delivered before September 30, 2000. 12839

Sec. 1713.031. The Ohio board of regents shall review an 12840
application for a certificate of authorization from a school 12841
described in division (E) of section 3332.01 of the Revised Code 12842
within twenty-two weeks. 12843

Sec. 2113.041. (A) The administrator of the medicaid estate 12844
recovery program established pursuant to section 5111.11 of the 12845
Revised Code may present an affidavit to a financial institution 12846
requesting that the financial institution release account proceeds 12847
to recover the cost of services correctly provided to a medicaid 12848
recipient who is subject to the medicaid estate recovery program. 12849
The affidavit shall include all of the following information: 12850

(1) The name of the decedent; 12851

(2) The name of any person who gave notice that the decedent 12852
was a medicaid recipient and that person's relationship to the 12853
decedent; 12854

(3) The name of the financial institution; 12855

(4) The account number; 12856

(5) A description of the claim for estate recovery; 12857

(6) The amount of funds to be recovered. 12858

(B) A financial institution may release account proceeds to 12859
the administrator of the medicaid estate recovery program if all 12860

of the following apply: 12861

(1) The decedent held an account at the financial institution 12862
that was in the decedent's name only. 12863

(2) No estate has been, and it is reasonable to assume that 12864
no estate will be, opened for the decedent. 12865

(3) The decedent has no outstanding debts known to the 12866
administrator of the medicaid estate recovery program. 12867

(4) The financial institution has received no objections or 12868
has determined that no valid objections to release of proceeds 12869
have been received. 12870

(C) If proceeds have been released pursuant to division (B) 12871
of this section and the department of job and family services 12872
receives notice of a valid claim to the proceeds that has a higher 12873
priority under section 2117.25 of the Revised Code than the claim 12874
of the medicaid estate recovery program, the department may refund 12875
the proceeds to the financial institution or pay them to the 12876
person or government entity with the claim. 12877

Sec. 2117.061. (A) As used in this section: 12878

(1) "Medicaid estate recovery program" means the program 12879
instituted under section 5111.11 of the Revised Code. 12880

(2) "Permanently institutionalized individual" has the same 12881
meaning as in section 5111.11 of the Revised Code. 12882

(3) "Person responsible for the estate" means the executor, 12883
administrator, commissioner, or person who filed pursuant to 12884
section 2113.03 of the Revised Code for release from 12885
administration of an estate. 12886

(B) ~~If a decedent, at the time of death, was fifty five years 12887
of age or older or a permanently institutionalized individual, the 12888
person responsible for the decedent's estate shall determine 12889~~

~~whether the decedent was, at any time during the decedent's life,~~ 12890
~~a medicaid recipient under Chapter 5111. of the Revised Code. If~~ 12891
~~the decedent was a medicaid recipient, the~~ The person responsible 12892
for the estate of a decedent subject to the medicaid estate 12893
recovery program or the estate of a decedent who was the spouse of 12894
a decedent subject to the medicaid estate recovery program shall 12895
submit a properly completed medicaid estate recovery reporting 12896
form prescribed under division (D) of this section to the 12897
administrator of the medicaid estate recovery program not later 12898
than thirty days after the occurrence of any of the following: 12899

- (1) The granting of letters testamentary; 12900
- (2) The administration of the estate; 12901
- (3) The filing of an application for release from 12902
administration or summary release from administration. 12903

(C) The person responsible for the estate shall mark the 12904
appropriate box on the appropriate probate form to indicate 12905
compliance with the requirements of division (B) of this section. 12906

The probate court shall send a copy of the completed probate 12907
form to the administrator of the medicaid estate recovery program. 12908

(D) The administrator of the medicaid estate recovery program 12909
shall prescribe a medicaid estate recovery reporting form for the 12910
purpose of division (B) of this section. ~~The~~ In the case of a 12911
decedent subject to the medicaid estate recovery program, the form 12912
shall require, at a minimum, that the person responsible for the 12913
estate list all of the decedent's real and personal property and 12914
other assets that are part of the decedent's estate as defined in 12915
section 5111.11 of the Revised Code. In the case of a decedent who 12916
was the spouse of a decedent subject to the medicaid estate 12917
recovery program, the form shall require, at a minimum, that the 12918
person responsible for the estate list all of the decedent's real 12919
and personal property and other assets that are part of the 12920

decedent's estate as defined in section 5111.11 of the Revised Code and were also part of the estate, as so defined, of the decedent subject to the medicaid estate recovery program. The administrator shall include on the form a statement printed in bold letters informing the person responsible for the estate that knowingly making a false statement on the form is falsification under section 2921.13 of the Revised Code, a misdemeanor of the first degree.

(E) The ~~estate recovery program~~ administrator of the medicaid estate recovery program shall present a claim for estate recovery to the person responsible for the estate of the decedent or the person's legal representative not later than ninety days after the date on which the medicaid estate recovery reporting form is received under division (B) of this section or one year after the decedent's death, whichever is later.

Sec. 2117.25. (A) Every executor or administrator shall proceed with diligence to pay the debts of the decedent and shall apply the assets in the following order:

(1) Costs and expenses of administration;

(2) An amount, not exceeding four thousand dollars, for funeral expenses that are included in the bill of a funeral director, funeral expenses other than those in the bill of a funeral director that are approved by the probate court, and an amount, not exceeding three thousand dollars, for burial and cemetery expenses, including that portion of the funeral director's bill allocated to cemetery expenses that have been paid to the cemetery by the funeral director.

For purposes of this division, burial and cemetery expenses shall be limited to the following:

(a) The purchase of a right of interment;

(b) Monuments or other markers;	12951
(c) The outer burial container;	12952
(d) The cost of opening and closing the place of interment;	12953
(e) The urn.	12954
(3) The allowance for support made to the surviving spouse, minor children, or both under section 2106.13 of the Revised Code;	12955 12956
(4) Debts entitled to a preference under the laws of the United States;	12957 12958
(5) Expenses of the last sickness of the decedent;	12959
(6) If the total bill of a funeral director for funeral expenses exceeds four thousand dollars, then, in addition to the amount described in division (A)(2) of this section, an amount, not exceeding two thousand dollars, for funeral expenses that are included in the bill and that exceed four thousand dollars;	12960 12961 12962 12963 12964
(7) Personal property taxes, claims made under the <u>medicaid</u> estate recovery program instituted pursuant to section 5111.11 of the Revised Code, and obligations for which the decedent was personally liable to the state or any of its subdivisions;	12965 12966 12967 12968
(8) Debts for manual labor performed for the decedent within twelve months preceding the decedent's death, not exceeding three hundred dollars to any one person;	12969 12970 12971
(9) Other debts for which claims have been presented and finally allowed.	12972 12973
(B) The part of the bill of a funeral director that exceeds the total of six thousand dollars as described in divisions (A)(2) and (6) of this section, and the part of a claim included in division (A)(8) of this section that exceeds three hundred dollars shall be included as a debt under division (A)(9) of this section, depending upon the time when the claim for the additional amount is presented.	12974 12975 12976 12977 12978 12979 12980

(C) Any natural person or fiduciary who pays a claim of any creditor described in division (A) of this section shall be subrogated to the rights of that creditor proportionate to the amount of the payment and shall be entitled to reimbursement for that amount in accordance with the priority of payments set forth in that division.

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating to the manner in which and the time within which claims shall be presented, shall apply to claims set forth in divisions (A)(2), (6), and (8) of this section. Claims for an expense of administration or for the allowance for support need not be presented. The executor or administrator shall pay debts included in divisions (A)(4) and (7) of this section, of which the executor or administrator has knowledge, regardless of presentation.

(2) The giving of written notice to an executor or administrator of a motion or application to revive an action pending against the decedent at the date of death shall be equivalent to the presentation of a claim to the executor or administrator for the purpose of determining the order of payment of any judgment rendered or decree entered in such an action.

(E) No payments shall be made to creditors of one class until all those of the preceding class are fully paid or provided for. If the assets are insufficient to pay all the claims of one class, the creditors of that class shall be paid ratably.

(F) If it appears at any time that the assets have been exhausted in paying prior or preferred charges, allowances, or claims, those payments shall be a bar to an action on any claim not entitled to that priority or preference.

Sec. 2151.362. (A)(1) In the manner prescribed by division (C)(1) or (2) of section 3313.64 of the Revised Code, as applicable, the court, at the time of making any order that

removes a child from the child's own home or that vests legal or 13012
permanent custody of the child in a person other than the child's 13013
parent or a government agency, shall determine the school district 13014
that is to bear the cost of educating the child. The court shall 13015
make the determination a part of the order that provides for the 13016
child's placement or commitment. That school district shall bear 13017
the cost of educating the child unless and until the ~~court~~ 13018
~~modifies its order~~ department of education determines that a 13019
different district shall be responsible for bearing that cost 13020
pursuant to division (A)(2) of this section. The court's order 13021
shall state that the determination of which school district is 13022
responsible to bear the cost of educating the child is subject to 13023
re-determination by the department pursuant to that division. 13024

(2) If, while the child is in the custody of a person other 13025
than the child's parent or a government agency, the department of 13026
education ~~notifies the court~~ determines that the place of 13027
residence of the child's parent has changed since the court issued 13028
its initial order, the ~~court~~ department may ~~modify its order to~~ 13029
name a different school district to bear the cost of educating the 13030
child. The department ~~may submit the notice to the court upon~~ 13031
~~receipt,~~ shall make this new determination, and any future 13032
determinations, based on evidence received from the school 13033
district ~~initially ordered~~ currently responsible to bear the cost 13034
of educating the child, ~~of evidence acceptable to the department,~~ 13035
If the department finds that the evidence demonstrates to its 13036
satisfaction that the residence of the child's parent has changed 13037
since the court issued its initial order. ~~In the notice to the~~ 13038
~~court, the department shall recommend to the court whether a~~ 13039
~~different district should be ordered to bear the cost of educating~~ 13040
~~the child and, if so, which district should be so ordered. The~~ 13041
under division (A)(1) of this section, or since the department 13042
last made a determination under division (A)(2) of this section, 13043
the department shall ~~recommend to the court~~ name the district in 13044

which the child's parent currently resides or, if the parent's 13045
residence is not known, the district in which the parent's last 13046
known residence is located. If the department cannot determine any 13047
Ohio district in which the parent currently resides or has 13048
resided, the school district designated in the initial court order 13049
under division (A)(1) of this section, or in the most recent 13050
determination made by the department under division (A)(2) of this 13051
section, shall continue to bear the cost of educating the child. 13052

~~The court may consider the content of a notice by the 13053
department of education under division (A)(2) of this section as 13054
conclusive evidence as to which school district should bear the 13055
cost of educating the child and may amend its order accordingly.~~ 13056

(B) Whenever a child is placed in a detention facility 13057
established under section 2152.41 of the Revised Code or a 13058
juvenile facility established under section 2151.65 of the Revised 13059
Code, the child's school district as determined by the court or 13060
the department, in the same manner as prescribed in division (A) 13061
of this section, shall pay the cost of educating the child based 13062
on the per capita cost of the educational facility within the 13063
detention home or juvenile facility. 13064

(C) Whenever a child is placed by the court in a private 13065
institution, school, or residential treatment center or any other 13066
private facility, the state shall pay to the court a subsidy to 13067
help defray the expense of educating the child in an amount equal 13068
to the product of the daily per capita educational cost of the 13069
private facility, as determined pursuant to this section, and the 13070
number of days the child resides at the private facility, provided 13071
that the subsidy shall not exceed twenty-five hundred dollars per 13072
year per child. The daily per capita educational cost of a private 13073
facility shall be determined by dividing the actual program cost 13074
of the private facility or twenty-five hundred dollars, whichever 13075
is less, by three hundred sixty-five days or by three hundred 13076

sixty-six days for years that include February twenty-ninth. The 13077
state shall pay seventy-five per cent of the total subsidy for 13078
each year quarterly to the court. The state may adjust the 13079
remaining twenty-five per cent of the total subsidy to be paid to 13080
the court for each year to an amount that is less than twenty-five 13081
per cent of the total subsidy for that year based upon the 13082
availability of funds appropriated to the department of education 13083
for the purpose of subsidizing courts that place a child in a 13084
private institution, school, or residential treatment center or 13085
any other private facility and shall pay that adjusted amount to 13086
the court at the end of the year. 13087

Sec. 2913.40. (A) As used in this section: 13088

(1) "Statement or representation" means any oral, written, 13089
electronic, electronic impulse, or magnetic communication that is 13090
used to identify an item of goods or a service for which 13091
reimbursement may be made under the medical assistance program or 13092
that states income and expense and is or may be used to determine 13093
a rate of reimbursement under the medical assistance program. 13094

(2) "Medical assistance program" means the program 13095
established by the department of job and family services to 13096
provide medical assistance under section 5111.01 of the Revised 13097
Code and the medicaid program of Title XIX of the "Social Security 13098
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 13099

(3) "Provider" means any person who has signed a provider 13100
agreement with the department of job and family services to 13101
provide goods or services pursuant to the medical assistance 13102
program or any person who has signed an agreement with a party to 13103
such a provider agreement under which the person agrees to provide 13104
goods or services that are reimbursable under the medical 13105
assistance program. 13106

(4) "Provider agreement" means an oral or written agreement 13107

between the department of job and family services and a person in 13108
which the person agrees to provide goods or services under the 13109
medical assistance program. 13110

(5) "Recipient" means any individual who receives goods or 13111
services from a provider under the medical assistance program. 13112

(6) "Records" means any medical, professional, financial, or 13113
business records relating to the treatment or care of any 13114
recipient, to goods or services provided to any recipient, or to 13115
rates paid for goods or services provided to any recipient and any 13116
records that are required by the rules of the director of job and 13117
family services to be kept for the medical assistance program. 13118

(B) No person shall knowingly make or cause to be made a 13119
false or misleading statement or representation for use in 13120
obtaining reimbursement from the medical assistance program. 13121

(C) No person, with purpose to commit fraud or knowing that 13122
the person is facilitating a fraud, shall do either of the 13123
following: 13124

(1) Contrary to the terms of the person's provider agreement, 13125
charge, solicit, accept, or receive for goods or services that the 13126
person provides under the medical assistance program any property, 13127
money, or other consideration in addition to the amount of 13128
reimbursement under the medical assistance program and the 13129
person's provider agreement for the goods or services and any 13130
~~deductibles or co-payments~~ cost-sharing expenses authorized by 13131
section 5111.0112 of the Revised Code or rules adopted pursuant to 13132
section 5111.01, 5111.011, or 5111.02 of the Revised Code. 13133

(2) Solicit, offer, or receive any remuneration, other than 13134
any ~~deductibles or co-payments~~ cost-sharing expenses authorized by 13135
section 5111.0112 of the Revised Code or rules adopted under 13136
section 5111.01, 5111.011, or 5111.02 of the Revised Code, in cash 13137
or in kind, including, but not limited to, a kickback or rebate, 13138

in connection with the furnishing of goods or services for which 13139
whole or partial reimbursement is or may be made under the medical 13140
assistance program. 13141

(D) No person, having submitted a claim for or provided goods 13142
or services under the medical assistance program, shall do either 13143
of the following for a period of at least six years after a 13144
reimbursement pursuant to that claim, or a reimbursement for those 13145
goods or services, is received under the medical assistance 13146
program: 13147

(1) Knowingly alter, falsify, destroy, conceal, or remove any 13148
records that are necessary to fully disclose the nature of all 13149
goods or services for which the claim was submitted, or for which 13150
reimbursement was received, by the person; 13151

(2) Knowingly alter, falsify, destroy, conceal, or remove any 13152
records that are necessary to disclose fully all income and 13153
expenditures upon which rates of reimbursements were based for the 13154
person. 13155

(E) Whoever violates this section is guilty of medicaid 13156
fraud. Except as otherwise provided in this division, medicaid 13157
fraud is a misdemeanor of the first degree. If the value of 13158
property, services, or funds obtained in violation of this section 13159
is five hundred dollars or more and is less than five thousand 13160
dollars, medicaid fraud is a felony of the fifth degree. If the 13161
value of property, services, or funds obtained in violation of 13162
this section is five thousand dollars or more and is less than one 13163
hundred thousand dollars, medicaid fraud is a felony of the fourth 13164
degree. If the value of the property, services, or funds obtained 13165
in violation of this section is one hundred thousand dollars or 13166
more, medicaid fraud is a felony of the third degree. 13167

(F) Upon application of the governmental agency, office, or 13168
other entity that conducted the investigation and prosecution in a 13169

case under this section, the court shall order any person who is 13170
convicted of a violation of this section for receiving any 13171
reimbursement for furnishing goods or services under the medical 13172
assistance program to which the person is not entitled to pay to 13173
the applicant its cost of investigating and prosecuting the case. 13174
The costs of investigation and prosecution that a defendant is 13175
ordered to pay pursuant to this division shall be in addition to 13176
any other penalties for the receipt of that reimbursement that are 13177
provided in this section, section 5111.03 of the Revised Code, or 13178
any other provision of law. 13179

(G) The provisions of this section are not intended to be 13180
exclusive remedies and do not preclude the use of any other 13181
criminal or civil remedy for any act that is in violation of this 13182
section. 13183

Sec. 2921.42. (A) No public official shall knowingly do any 13184
of the following: 13185

(1) Authorize, or employ the authority or influence of ~~his~~ 13186
the public official's office to secure authorization of any public 13187
contract in which ~~he~~ the public official, a member of ~~his~~ the 13188
public official's family, or any of ~~his~~ the public official's 13189
business associates has an interest; 13190

(2) Authorize, or employ the authority or influence of ~~his~~ 13191
the public official's office to secure the investment of public 13192
funds in any share, bond, mortgage, or other security, with 13193
respect to which ~~he~~ the public official, a member of ~~his~~ the 13194
public official's family, or any of ~~his~~ the public official's 13195
business associates either has an interest, is an underwriter, or 13196
receives any brokerage, origination, or servicing fees; 13197

(3) During ~~his~~ the public official's term of office or within 13198
one year thereafter, occupy any position of profit in the 13199
prosecution of a public contract authorized by ~~him~~ the public 13200

official or by a legislative body, commission, or board of which 13201
he the public official was a member at the time of authorization, 13202
unless the contract was let by competitive bidding to the lowest 13203
and best bidder; 13204

(4) Have an interest in the profits or benefits of a public 13205
contract entered into by or for the use of the political 13206
subdivision or governmental agency or instrumentality with which 13207
he the public official is connected; 13208

(5) Have an interest in the profits or benefits of a public 13209
contract that is not let by competitive bidding if required by law 13210
and that involves more than one hundred fifty dollars. 13211

(B) In the absence of bribery or a purpose to defraud, a 13212
public official, member of ~~his~~ a public official's family, or any 13213
of ~~his~~ a public official's business associates shall not be 13214
considered as having an interest in a public contract or the 13215
investment of public funds, if all of the following apply: 13216

(1) The interest of that person is limited to owning or 13217
controlling shares of the corporation, or being a creditor of the 13218
corporation or other organization, that is the contractor on the 13219
public contract involved, or that is the issuer of the security in 13220
which public funds are invested; 13221

(2) The shares owned or controlled by that person do not 13222
exceed five per cent of the outstanding shares of the corporation, 13223
and the amount due that person as creditor does not exceed five 13224
per cent of the total indebtedness of the corporation or other 13225
organization; 13226

(3) That person, prior to the time the public contract is 13227
entered into, files with the political subdivision or governmental 13228
agency or instrumentality involved, an affidavit giving ~~his~~ that 13229
person's exact status in connection with the corporation or other 13230
organization. 13231

(C) This section does not apply to a public contract in which 13232
a public official, member of ~~his~~ a public official's family, or 13233
one of ~~his~~ a public official's business associates has an 13234
interest, when all of the following apply: 13235

(1) The subject of the public contract is necessary supplies 13236
or services for the political subdivision or governmental agency 13237
or instrumentality involved; 13238

(2) The supplies or services are unobtainable elsewhere for 13239
the same or lower cost, or are being furnished to the political 13240
subdivision or governmental agency or instrumentality as part of a 13241
continuing course of dealing established prior to the public 13242
official's becoming associated with the political subdivision or 13243
governmental agency or instrumentality involved; 13244

(3) The treatment accorded the political subdivision or 13245
governmental agency or instrumentality is either preferential to 13246
or the same as that accorded other customers or clients in similar 13247
transactions; 13248

(4) The entire transaction is conducted at arm's length, with 13249
full knowledge by the political subdivision or governmental agency 13250
or instrumentality involved, of the interest of the public 13251
official, member of ~~his~~ the public official's family, or business 13252
associate, and the public official takes no part in the 13253
deliberations or decision of the political subdivision or 13254
governmental agency or instrumentality with respect to the public 13255
contract. 13256

(D) Division (A)(4) of this section does not prohibit 13257
participation by a public employee in any housing program funded 13258
by public moneys if the public employee otherwise qualifies for 13259
the program and does not use the authority or influence of ~~his~~ the 13260
public employee's office or employment to secure benefits from the 13261
program and if the moneys are to be used on the primary residence 13262

of the public employee. Such participation does not constitute an 13263
unlawful interest in a public contract in violation of this 13264
section. 13265

(E) Whoever violates this section is guilty of having an 13266
unlawful interest in a public contract. Violation of division 13267
(A)(1) or (2) of this section is a felony of the fourth degree. 13268
Violation of division (A)(3), (4), or (5) of this section is a 13269
misdemeanor of the first degree. 13270

(F) It is not a violation of this section for a prosecuting 13271
attorney to appoint assistants and employees in accordance with 13272
sections 309.06 and 2921.421 of the Revised Code, for a chief 13273
legal officer of a municipal corporation or an official designated 13274
as prosecutor in a municipal corporation to appoint assistants and 13275
employees in accordance with sections 733.621 and 2921.421 of the 13276
Revised Code, or for a township law director appointed under 13277
section 504.15 of the Revised Code to appoint assistants and 13278
employees in accordance with sections 504.151 and 2921.421 of the 13279
Revised Code. 13280

~~(F)~~(G) This section does not apply to a public contract in 13281
which a township trustee in a township with a population of five 13282
thousand or less in its unincorporated area, a member of the 13283
township trustee's family, or one of ~~his~~ the township trustee's 13284
business associates has an interest, if all of the following 13285
apply: 13286

(1) The subject of the public contract is necessary supplies 13287
or services for the township and the amount of the contract is 13288
less than five thousand dollars per year; 13289

(2) The supplies or services are being furnished to the 13290
township as part of a continuing course of dealing established 13291
before the township trustee held that office with the township; 13292

(3) The treatment accorded the township is either 13293

preferential to or the same as that accorded other customers or 13294
clients in similar transactions; 13295

(4) The entire transaction is conducted with full knowledge 13296
by the township of the interest of the township trustee, member of 13297
~~his~~ the township trustee's family, or ~~his~~ the township trustee's 13298
business associate. 13299

~~(G)~~(H) Any public contract in which a public official, a 13300
member of the public official's family, or any of the public 13301
official's business associates has an interest in violation of 13302
this section is void and unenforceable. Any contract securing the 13303
investment of public funds in which a public official, a member of 13304
the public official's family, or any of the public official's 13305
business associates has an interest, is an underwriter, or 13306
receives any brokerage, origination, or servicing fees and that 13307
was entered into in violation of this section is void and 13308
unenforceable. 13309

(I) As used in this section: 13310

(1) "Public contract" means any of the following: 13311

(a) The purchase or acquisition, or a contract for the 13312
purchase or acquisition, of property or services by or for the use 13313
of the state, any of its political subdivisions, or any agency or 13314
instrumentality of either, including the employment of an 13315
individual by the state, any of its political subdivisions, or any 13316
agency or instrumentality of either; 13317

(b) A contract for the design, construction, alteration, 13318
repair, or maintenance of any public property. 13319

(2) "Chief legal officer" has the same meaning as in section 13320
733.621 of the Revised Code. 13321

Sec. 2927.023. (A) As used in this section "authorized 13322
recipient of tobacco products" means a person who is: 13323

(1) Licensed as a cigarette wholesale dealer under section 5743.15 of the Revised Code;	13324 13325
(2) Licensed as a distributor of tobacco products under section 5743.61 of the Revised Code <u>retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;</u>	13326 13327 13328 13329
(3) An export warehouse proprietor as defined in section 5702 of the Internal Revenue Code;	13330 13331
(4) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;	13332 13333
(5) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;	13334 13335
(6) A department, agency, instrumentality, or political subdivision of the federal government or of this state;	13336 13337
(7) A person having a consent for consumer shipment issued by the tax commissioner under section 5743.71 of the Revised Code.	13338 13339
The purpose of this section is to prevent the sale of cigarettes to minors and to ensure compliance with the Master Settlement Agreement, as defined in section 1346.01 of the Revised Code.	13340 13341 13342 13343
(B)(1) No person shall cause to be shipped any cigarettes to any person in this state other than an authorized recipient of tobacco products.	13344 13345 13346
(2) No common carrier, contract carrier, or other person shall knowingly transport cigarettes to any person in this state that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes are transported to a home or residence, it shall be presumed that the common carrier, contract carrier, or other person knew that the person to whom the cigarettes were delivered was not an authorized	13347 13348 13349 13350 13351 13352 13353

recipient of tobacco products. 13354

(C) No person engaged in the business of selling cigarettes 13355
who ships or causes to be shipped cigarettes to any person in this 13356
state in any container or wrapping other than the original 13357
container or wrapping of the cigarettes shall fail to plainly and 13358
visibly mark the exterior of the container or wrapping in which 13359
the cigarettes are shipped with the words "cigarettes." 13360

(D) A court shall impose a fine of up to one thousand dollars 13361
for each violation of division (B)(1), (B)(2), or (C) of this 13362
section. 13363

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 13364
deputy marshal, municipal police officer, township constable, 13365
police officer of a township or joint township police district, 13366
member of a police force employed by a metropolitan housing 13367
authority under division (D) of section 3735.31 of the Revised 13368
Code, member of a police force employed by a regional transit 13369
authority under division (Y) of section 306.35 of the Revised 13370
Code, state university law enforcement officer appointed under 13371
section 3345.04 of the Revised Code, veterans' home police officer 13372
appointed under section 5907.02 of the Revised Code, special 13373
police officer employed by a port authority under section 4582.04 13374
or 4582.28 of the Revised Code, or a special police officer 13375
employed by a municipal corporation at a municipal airport, or 13376
other municipal air navigation facility, that has scheduled 13377
operations, as defined in section 119.3 of Title 14 of the Code of 13378
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 13379
required to be under a security program and is governed by 13380
aviation security rules of the transportation security 13381
administration of the United States department of transportation 13382
as provided in Parts 1542. and 1544. of Title 49 of the Code of 13383
Federal Regulations, as amended, shall arrest and detain, until a 13384

warrant can be obtained, a person found violating, within the 13385
limits of the political subdivision, metropolitan housing 13386
authority housing project, regional transit authority facilities 13387
or areas of a municipal corporation that have been agreed to by a 13388
regional transit authority and a municipal corporation located 13389
within its territorial jurisdiction, college, university, 13390
veterans' home operated under Chapter 5907. of the Revised Code, 13391
port authority, or municipal airport or other municipal air 13392
navigation facility, in which the peace officer is appointed, 13393
employed, or elected, a law of this state, an ordinance of a 13394
municipal corporation, or a resolution of a township. 13395

(2) A peace officer of the department of natural resources or 13396
an individual designated to perform law enforcement duties under 13397
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 13398
arrest and detain, until a warrant can be obtained, a person found 13399
violating, within the limits of the peace officer's or 13400
individual's territorial jurisdiction, a law of this state. 13401

(3) The house sergeant at arms if the house sergeant at arms 13402
has arrest authority pursuant to division (E)(1) of section 13403
101.311 of the Revised Code and an assistant house sergeant at 13404
arms shall arrest and detain, until a warrant can be obtained, a 13405
person found violating, within the limits of the sergeant at 13406
arms's or assistant sergeant at arms's territorial jurisdiction 13407
specified in division (D)(1)(a) of section 101.311 of the Revised 13408
Code or while providing security pursuant to division (D)(1)(f) of 13409
section 101.311 of the Revised Code, a law of this state, an 13410
ordinance of a municipal corporation, or a resolution of a 13411
township. 13412

(B)(1) When there is reasonable ground to believe that an 13413
offense of violence, the offense of criminal child enticement as 13414
defined in section 2905.05 of the Revised Code, the offense of 13415
public indecency as defined in section 2907.09 of the Revised 13416

Code, the offense of domestic violence as defined in section 13417
2919.25 of the Revised Code, the offense of violating a protection 13418
order as defined in section 2919.27 of the Revised Code, the 13419
offense of menacing by stalking as defined in section 2903.211 of 13420
the Revised Code, the offense of aggravated trespass as defined in 13421
section 2911.211 of the Revised Code, a theft offense as defined 13422
in section 2913.01 of the Revised Code, or a felony drug abuse 13423
offense as defined in section 2925.01 of the Revised Code, has 13424
been committed within the limits of the political subdivision, 13425
metropolitan housing authority housing project, regional transit 13426
authority facilities or those areas of a municipal corporation 13427
that have been agreed to by a regional transit authority and a 13428
municipal corporation located within its territorial jurisdiction, 13429
college, university, veterans' home operated under Chapter 5907. 13430
of the Revised Code, port authority, or municipal airport or other 13431
municipal air navigation facility, in which the peace officer is 13432
appointed, employed, or elected or within the limits of the 13433
territorial jurisdiction of the peace officer, a peace officer 13434
described in division (A) of this section may arrest and detain 13435
until a warrant can be obtained any person who the peace officer 13436
has reasonable cause to believe is guilty of the violation. 13437

(2) For purposes of division (B)(1) of this section, the 13438
execution of any of the following constitutes reasonable ground to 13439
believe that the offense alleged in the statement was committed 13440
and reasonable cause to believe that the person alleged in the 13441
statement to have committed the offense is guilty of the 13442
violation: 13443

(a) A written statement by a person alleging that an alleged 13444
offender has committed the offense of menacing by stalking or 13445
aggravated trespass; 13446

(b) A written statement by the administrator of the 13447
interstate compact on mental health appointed under section 13448

5119.51 of the Revised Code alleging that a person who had been hospitalized, institutionalized, or confined in any facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code;

(c) A written statement by the administrator of any facility in which a person has been hospitalized, institutionalized, or confined under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code.

(3)(a) For purposes of division (B)(1) of this section, a peace officer described in division (A) of this section has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense if any of the following occurs:

(i) A person executes a written statement alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who

executes the statement. 13481

(ii) No written statement of the type described in division 13482
(B)(3)(a)(i) of this section is executed, but the peace officer, 13483
based upon the peace officer's own knowledge and observation of 13484
the facts and circumstances of the alleged incident of the offense 13485
of domestic violence or the alleged incident of the offense of 13486
violating a protection order or based upon any other information, 13487
including, but not limited to, any reasonably trustworthy 13488
information given to the peace officer by the alleged victim of 13489
the alleged incident of the offense or any witness of the alleged 13490
incident of the offense, concludes that there are reasonable 13491
grounds to believe that the offense of domestic violence or the 13492
offense of violating a protection order has been committed and 13493
reasonable cause to believe that the person in question is guilty 13494
of committing the offense. 13495

(iii) No written statement of the type described in division 13496
(B)(3)(a)(i) of this section is executed, but the peace officer 13497
witnessed the person in question commit the offense of domestic 13498
violence or the offense of violating a protection order. 13499

(b) If pursuant to division (B)(3)(a) of this section a peace 13500
officer has reasonable grounds to believe that the offense of 13501
domestic violence or the offense of violating a protection order 13502
has been committed and reasonable cause to believe that a 13503
particular person is guilty of committing the offense, it is the 13504
preferred course of action in this state that the officer arrest 13505
and detain that person pursuant to division (B)(1) of this section 13506
until a warrant can be obtained. 13507

If pursuant to division (B)(3)(a) of this section a peace 13508
officer has reasonable grounds to believe that the offense of 13509
domestic violence or the offense of violating a protection order 13510
has been committed and reasonable cause to believe that family or 13511
household members have committed the offense against each other, 13512

it is the preferred course of action in this state that the 13513
officer, pursuant to division (B)(1) of this section, arrest and 13514
detain until a warrant can be obtained the family or household 13515
member who committed the offense and whom the officer has 13516
reasonable cause to believe is the primary physical aggressor. 13517
There is no preferred course of action in this state regarding any 13518
other family or household member who committed the offense and 13519
whom the officer does not have reasonable cause to believe is the 13520
primary physical aggressor, but, pursuant to division (B)(1) of 13521
this section, the peace officer may arrest and detain until a 13522
warrant can be obtained any other family or household member who 13523
committed the offense and whom the officer does not have 13524
reasonable cause to believe is the primary physical aggressor. 13525

(c) If a peace officer described in division (A) of this 13526
section does not arrest and detain a person whom the officer has 13527
reasonable cause to believe committed the offense of domestic 13528
violence or the offense of violating a protection order when it is 13529
the preferred course of action in this state pursuant to division 13530
(B)(3)(b) of this section that the officer arrest that person, the 13531
officer shall articulate in the written report of the incident 13532
required by section 2935.032 of the Revised Code a clear statement 13533
of the officer's reasons for not arresting and detaining that 13534
person until a warrant can be obtained. 13535

(d) In determining for purposes of division (B)(3)(b) of this 13536
section which family or household member is the primary physical 13537
aggressor in a situation in which family or household members have 13538
committed the offense of domestic violence or the offense of 13539
violating a protection order against each other, a peace officer 13540
described in division (A) of this section, in addition to any 13541
other relevant circumstances, should consider all of the 13542
following: 13543

(i) Any history of domestic violence or of any other violent 13544

acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;

(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.

(e)(i) A peace officer described in division (A) of this section shall not require, as a prerequisite to arresting or charging a person who has committed the offense of domestic violence or the offense of violating a protection order, that the victim of the offense specifically consent to the filing of charges against the person who has committed the offense or sign a complaint against the person who has committed the offense.

(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not cooperate with the involved law enforcement or prosecuting authorities in the prosecution of the offense or, subsequent to the arrest or the filing of the charges, informs the involved law enforcement or prosecuting authorities that the victim does not wish the prosecution of the offense to continue or wishes to drop charges against the alleged offender relative to the offense, the involved prosecuting authorities, in determining whether to continue with the prosecution of the offense or whether to dismiss charges against the alleged offender relative to the offense and notwithstanding the victim's failure to cooperate or the victim's wishes, shall consider all facts and circumstances that are

relevant to the offense, including, but not limited to, the 13576
statements and observations of the peace officers who responded to 13577
the incident that resulted in the arrest or filing of the charges 13578
and of all witnesses to that incident. 13579

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 13580
this section whether to arrest a person pursuant to division 13581
(B)(1) of this section, a peace officer described in division (A) 13582
of this section shall not consider as a factor any possible 13583
shortage of cell space at the detention facility to which the 13584
person will be taken subsequent to the person's arrest or any 13585
possibility that the person's arrest might cause, contribute to, 13586
or exacerbate overcrowding at that detention facility or at any 13587
other detention facility. 13588

(g) If a peace officer described in division (A) of this 13589
section intends pursuant to divisions (B)(3)(a) to (g) of this 13590
section to arrest a person pursuant to division (B)(1) of this 13591
section and if the officer is unable to do so because the person 13592
is not present, the officer promptly shall seek a warrant for the 13593
arrest of the person. 13594

(h) If a peace officer described in division (A) of this 13595
section responds to a report of an alleged incident of the offense 13596
of domestic violence or an alleged incident of the offense of 13597
violating a protection order and if the circumstances of the 13598
incident involved the use or threatened use of a deadly weapon or 13599
any person involved in the incident brandished a deadly weapon 13600
during or in relation to the incident, the deadly weapon that was 13601
used, threatened to be used, or brandished constitutes contraband, 13602
and, to the extent possible, the officer shall seize the deadly 13603
weapon as contraband pursuant to Chapter 2981. of the Revised 13604
Code. Upon the seizure of a deadly weapon pursuant to division 13605
(B)(3)(h) of this section, section 2981.12 of the Revised Code 13606
shall apply regarding the treatment and disposition of the deadly 13607

weapon. For purposes of that section, the "underlying criminal offense" that was the basis of the seizure of a deadly weapon under division (B)(3)(h) of this section and to which the deadly weapon had a relationship is any of the following that is applicable:

(i) The alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and circumstances as the report of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded.

(4) If, in the circumstances described in divisions (B)(3)(a) to (g) of this section, a peace officer described in division (A) of this section arrests and detains a person pursuant to division (B)(1) of this section, or if, pursuant to division (B)(3)(h) of this section, a peace officer described in division (A) of this section seizes a deadly weapon, the officer, to the extent described in and in accordance with section 9.86 or 2744.03 of the Revised Code, is immune in any civil action for damages for injury, death, or loss to person or property that arises from or is related to the arrest and detention or the seizure.

(C) When there is reasonable ground to believe that a violation of division (A)(1), (2), (3), (4), or (5) of section 4506.15 or a violation of section 4511.19 of the Revised Code has been committed by a person operating a motor vehicle subject to regulation by the public utilities commission of Ohio under Title XLIX of the Revised Code, a peace officer with authority to enforce that provision of law may stop or detain the person whom the officer has reasonable cause to believe was operating the motor vehicle in violation of the division or section and, after

investigating the circumstances surrounding the operation of the 13640
vehicle, may arrest and detain the person. 13641

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 13642
municipal police officer, member of a police force employed by a 13643
metropolitan housing authority under division (D) of section 13644
3735.31 of the Revised Code, member of a police force employed by 13645
a regional transit authority under division (Y) of section 306.35 13646
of the Revised Code, special police officer employed by a port 13647
authority under section 4582.04 or 4582.28 of the Revised Code, 13648
special police officer employed by a municipal corporation at a 13649
municipal airport or other municipal air navigation facility 13650
described in division (A) of this section, township constable, 13651
police officer of a township or joint township police district, 13652
state university law enforcement officer appointed under section 13653
3345.04 of the Revised Code, peace officer of the department of 13654
natural resources, individual designated to perform law 13655
enforcement duties under section 511.232, 1545.13, or 6101.75 of 13656
the Revised Code, the house sergeant at arms if the house sergeant 13657
at arms has arrest authority pursuant to division (E)(1) of 13658
section 101.311 of the Revised Code, or an assistant house 13659
sergeant at arms is authorized by division (A) or (B) of this 13660
section to arrest and detain, within the limits of the political 13661
subdivision, metropolitan housing authority housing project, 13662
regional transit authority facilities or those areas of a 13663
municipal corporation that have been agreed to by a regional 13664
transit authority and a municipal corporation located within its 13665
territorial jurisdiction, port authority, municipal airport or 13666
other municipal air navigation facility, college, or university in 13667
which the officer is appointed, employed, or elected or within the 13668
limits of the territorial jurisdiction of the peace officer, a 13669
person until a warrant can be obtained, the peace officer, outside 13670
the limits of that territory, may pursue, arrest, and detain that 13671
person until a warrant can be obtained if all of the following 13672

apply: 13673

(1) The pursuit takes place without unreasonable delay after 13674
the offense is committed; 13675

(2) The pursuit is initiated within the limits of the 13676
political subdivision, metropolitan housing authority housing 13677
project, regional transit authority facilities or those areas of a 13678
municipal corporation that have been agreed to by a regional 13679
transit authority and a municipal corporation located within its 13680
territorial jurisdiction, port authority, municipal airport or 13681
other municipal air navigation facility, college, or university in 13682
which the peace officer is appointed, employed, or elected or 13683
within the limits of the territorial jurisdiction of the peace 13684
officer; 13685

(3) The offense involved is a felony, a misdemeanor of the 13686
first degree or a substantially equivalent municipal ordinance, a 13687
misdemeanor of the second degree or a substantially equivalent 13688
municipal ordinance, or any offense for which points are 13689
chargeable pursuant to section 4510.036 of the Revised Code. 13690

(E) In addition to the authority granted under division (A) 13691
or (B) of this section: 13692

(1) A sheriff or deputy sheriff may arrest and detain, until 13693
a warrant can be obtained, any person found violating section 13694
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 13695
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 13696
portion of any street or highway that is located immediately 13697
adjacent to the boundaries of the county in which the sheriff or 13698
deputy sheriff is elected or appointed. 13699

(2) A member of the police force of a township police 13700
district created under section 505.48 of the Revised Code, a 13701
member of the police force of a joint township police district 13702
created under section 505.481 of the Revised Code, or a township 13703

constable appointed in accordance with section 509.01 of the Revised Code, who has received a certificate from the Ohio peace officer training commission under section 109.75 of the Revised Code, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint township police district, in the case of a member of a township police district or joint township police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships that created the joint township police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under division (E)(2) of this section on a state highway that is included as part of the interstate system.

(3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is appointed, elected, or employed.

(4) A peace officer of the department of natural resources or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code may

arrest and detain, until a warrant can be obtained, any person 13736
found violating any section or chapter of the Revised Code listed 13737
in division (E)(1) of this section, other than sections 4513.33 13738
and 4513.34 of the Revised Code, on the portion of any street or 13739
highway that is located immediately adjacent to the boundaries of 13740
the lands and waters that constitute the territorial jurisdiction 13741
of the peace officer. 13742

(F)(1) A department of mental health special police officer 13743
or a department of mental retardation and developmental 13744
disabilities special police officer may arrest without a warrant 13745
and detain until a warrant can be obtained any person found 13746
committing on the premises of any institution under the 13747
jurisdiction of the particular department a misdemeanor under a 13748
law of the state. 13749

A department of mental health special police officer or a 13750
department of mental retardation and developmental disabilities 13751
special police officer may arrest without a warrant and detain 13752
until a warrant can be obtained any person who has been 13753
hospitalized, institutionalized, or confined in an institution 13754
under the jurisdiction of the particular department pursuant to or 13755
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 13756
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 13757
found committing on the premises of any institution under the 13758
jurisdiction of the particular department a violation of section 13759
2921.34 of the Revised Code that involves an escape from the 13760
premises of the institution. 13761

(2)(a) If a department of mental health special police 13762
officer or a department of mental retardation and developmental 13763
disabilities special police officer finds any person who has been 13764
hospitalized, institutionalized, or confined in an institution 13765
under the jurisdiction of the particular department pursuant to or 13766
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 13767

2945.40, 2945.401, or 2945.402 of the Revised Code committing a 13768
violation of section 2921.34 of the Revised Code that involves an 13769
escape from the premises of the institution, or if there is 13770
reasonable ground to believe that a violation of section 2921.34 13771
of the Revised Code has been committed that involves an escape 13772
from the premises of an institution under the jurisdiction of the 13773
department of mental health or the department of mental 13774
retardation and developmental disabilities and if a department of 13775
mental health special police officer or a department of mental 13776
retardation and developmental disabilities special police officer 13777
has reasonable cause to believe that a particular person who has 13778
been hospitalized, institutionalized, or confined in the 13779
institution pursuant to or under authority of section 2945.37, 13780
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 13781
Revised Code is guilty of the violation, the special police 13782
officer, outside of the premises of the institution, may pursue, 13783
arrest, and detain that person for that violation of section 13784
2921.34 of the Revised Code, until a warrant can be obtained, if 13785
both of the following apply: 13786

(i) The pursuit takes place without unreasonable delay after 13787
the offense is committed; 13788

(ii) The pursuit is initiated within the premises of the 13789
institution from which the violation of section 2921.34 of the 13790
Revised Code occurred. 13791

(b) For purposes of division (F)(2)(a) of this section, the 13792
execution of a written statement by the administrator of the 13793
institution in which a person had been hospitalized, 13794
institutionalized, or confined pursuant to or under authority of 13795
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 13796
2945.402 of the Revised Code alleging that the person has escaped 13797
from the premises of the institution in violation of section 13798
2921.34 of the Revised Code constitutes reasonable ground to 13799

believe that the violation was committed and reasonable cause to 13800
believe that the person alleged in the statement to have committed 13801
the offense is guilty of the violation. 13802

(G) As used in this section: 13803

(1) A "department of mental health special police officer" 13804
means a special police officer of the department of mental health 13805
designated under section 5119.14 of the Revised Code who is 13806
certified by the Ohio peace officer training commission under 13807
section 109.77 of the Revised Code as having successfully 13808
completed an approved peace officer basic training program. 13809

(2) A "department of mental retardation and developmental 13810
disabilities special police officer" means a special police 13811
officer of the department of mental retardation and developmental 13812
disabilities designated under section 5123.13 of the Revised Code 13813
who is certified by the Ohio peace officer training council under 13814
section 109.77 of the Revised Code as having successfully 13815
completed an approved peace officer basic training program. 13816

(3) "Deadly weapon" has the same meaning as in section 13817
2923.11 of the Revised Code. 13818

(4) "Family or household member" has the same meaning as in 13819
section 2919.25 of the Revised Code. 13820

(5) "Street" or "highway" has the same meaning as in section 13821
4511.01 of the Revised Code. 13822

(6) "Interstate system" has the same meaning as in section 13823
5516.01 of the Revised Code. 13824

(7) "Peace officer of the department of natural resources" 13825
means an employee of the department of natural resources who is a 13826
natural resources law enforcement staff officer designated 13827
pursuant to section 1501.013 of the Revised Code, a forest officer 13828
designated pursuant to section 1503.29 of the Revised Code, a 13829

preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.

(8) "Portion of any street or highway" means all lanes of the street or highway irrespective of direction of travel, including designated turn lanes, and any berm, median, or shoulder.

Sec. 3109.04. (A) In any divorce, legal separation, or annulment proceeding and in any proceeding pertaining to the allocation of parental rights and responsibilities for the care of a child, upon hearing the testimony of either or both parents and considering any mediation report filed pursuant to section 3109.052 of the Revised Code and in accordance with sections 3127.01 to 3127.53 of the Revised Code, the court shall allocate the parental rights and responsibilities for the care of the minor children of the marriage. Subject to division (D)(2) of this section, the court may allocate the parental rights and responsibilities for the care of the children in either of the following ways:

(1) If neither parent files a pleading or motion in accordance with division (G) of this section, if at least one parent files a pleading or motion under that division but no parent who filed a pleading or motion under that division also files a plan for shared parenting, or if at least one parent files both a pleading or motion and a shared parenting plan under that division but no plan for shared parenting is in the best interest of the children, the court, in a manner consistent with the best interest of the children, shall allocate the parental rights and responsibilities for the care of the children primarily to one of the parents, designate that parent as the residential parent and

the legal custodian of the child, and divide between the parents 13861
the other rights and responsibilities for the care of the 13862
children, including, but not limited to, the responsibility to 13863
provide support for the children and the right of the parent who 13864
is not the residential parent to have continuing contact with the 13865
children. 13866

(2) If at least one parent files a pleading or motion in 13867
accordance with division (G) of this section and a plan for shared 13868
parenting pursuant to that division and if a plan for shared 13869
parenting is in the best interest of the children and is approved 13870
by the court in accordance with division (D)(1) of this section, 13871
the court may allocate the parental rights and responsibilities 13872
for the care of the children to both parents and issue a shared 13873
parenting order requiring the parents to share all or some of the 13874
aspects of the physical and legal care of the children in 13875
accordance with the approved plan for shared parenting. If the 13876
court issues a shared parenting order under this division and it 13877
is necessary for the purpose of receiving public assistance, the 13878
court shall designate which one of the parents' residences is to 13879
serve as the child's home. The child support obligations of the 13880
parents under a shared parenting order issued under this division 13881
shall be determined in accordance with Chapters 3119., 3121., 13882
3123., and 3125. of the Revised Code. 13883

(B)(1) When making the allocation of the parental rights and 13884
responsibilities for the care of the children under this section 13885
in an original proceeding or in any proceeding for modification of 13886
a prior order of the court making the allocation, the court shall 13887
take into account that which would be in the best interest of the 13888
children. In determining the child's best interest for purposes of 13889
making its allocation of the parental rights and responsibilities 13890
for the care of the child and for purposes of resolving any issues 13891
related to the making of that allocation, the court, in its 13892

discretion, may and, upon the request of either party, shall 13893
interview in chambers any or all of the involved children 13894
regarding their wishes and concerns with respect to the 13895
allocation. 13896

(2) If the court interviews any child pursuant to division 13897
(B)(1) of this section, all of the following apply: 13898

(a) The court, in its discretion, may and, upon the motion of 13899
either parent, shall appoint a guardian ad litem for the child. 13900

(b) The court first shall determine the reasoning ability of 13901
the child. If the court determines that the child does not have 13902
sufficient reasoning ability to express the child's wishes and 13903
concern with respect to the allocation of parental rights and 13904
responsibilities for the care of the child, it shall not determine 13905
the child's wishes and concerns with respect to the allocation. If 13906
the court determines that the child has sufficient reasoning 13907
ability to express the child's wishes or concerns with respect to 13908
the allocation, it then shall determine whether, because of 13909
special circumstances, it would not be in the best interest of the 13910
child to determine the child's wishes and concerns with respect to 13911
the allocation. If the court determines that, because of special 13912
circumstances, it would not be in the best interest of the child 13913
to determine the child's wishes and concerns with respect to the 13914
allocation, it shall not determine the child's wishes and concerns 13915
with respect to the allocation and shall enter its written 13916
findings of fact and opinion in the journal. If the court 13917
determines that it would be in the best interests of the child to 13918
determine the child's wishes and concerns with respect to the 13919
allocation, it shall proceed to make that determination. 13920

(c) The interview shall be conducted in chambers, and no 13921
person other than the child, the child's attorney, the judge, any 13922
necessary court personnel, and, in the judge's discretion, the 13923
attorney of each parent shall be permitted to be present in the 13924

chambers during the interview. 13925

(3) No person shall obtain or attempt to obtain from a child 13926
a written or recorded statement or affidavit setting forth the 13927
child's wishes and concerns regarding the allocation of parental 13928
rights and responsibilities concerning the child. No court, in 13929
determining the child's best interest for purposes of making its 13930
allocation of the parental rights and responsibilities for the 13931
care of the child or for purposes of resolving any issues related 13932
to the making of that allocation, shall accept or consider a 13933
written or recorded statement or affidavit that purports to set 13934
forth the child's wishes and concerns regarding those matters. 13935

(C) Prior to trial, the court may cause an investigation to 13936
be made as to the character, family relations, past conduct, 13937
earning ability, and financial worth of each parent and may order 13938
the parents and their minor children to submit to medical, 13939
psychological, and psychiatric examinations. The report of the 13940
investigation and examinations shall be made available to either 13941
parent or the parent's counsel of record not less than five days 13942
before trial, upon written request. The report shall be signed by 13943
the investigator, and the investigator shall be subject to 13944
cross-examination by either parent concerning the contents of the 13945
report. The court may tax as costs all or any part of the expenses 13946
for each investigation. 13947

If the court determines that either parent previously has 13948
been convicted of or pleaded guilty to any criminal offense 13949
involving any act that resulted in a child being a neglected 13950
child, that either parent previously has been determined to be the 13951
perpetrator of the neglectful act that is the basis of an 13952
adjudication that a child is a neglected child, or that there is 13953
reason to believe that either parent has acted in a manner 13954
resulting in a child being a neglected child, the court shall 13955
consider that fact against naming that parent the residential 13956

parent and against granting a shared parenting decree. When the 13957
court allocates parental rights and responsibilities for the care 13958
of children or determines whether to grant shared parenting in any 13959
proceeding, it shall consider whether either parent or any member 13960
of the household of either parent has been convicted of or pleaded 13961
guilty to a violation of section 2919.25 of the Revised Code or a 13962
sexually oriented offense involving a victim who at the time of 13963
the commission of the offense was a member of the family or 13964
household that is the subject of the proceeding, has been 13965
convicted of or pleaded guilty to any sexually oriented offense or 13966
other offense involving a victim who at the time of the commission 13967
of the offense was a member of the family or household that is the 13968
subject of the proceeding and caused physical harm to the victim 13969
in the commission of the offense, or has been determined to be the 13970
perpetrator of the abusive act that is the basis of an 13971
adjudication that a child is an abused child. If the court 13972
determines that either parent has been convicted of or pleaded 13973
guilty to a violation of section 2919.25 of the Revised Code or a 13974
sexually oriented offense involving a victim who at the time of 13975
the commission of the offense was a member of the family or 13976
household that is the subject of the proceeding, has been 13977
convicted of or pleaded guilty to any sexually oriented offense or 13978
other offense involving a victim who at the time of the commission 13979
of the offense was a member of the family or household that is the 13980
subject of the proceeding and caused physical harm to the victim 13981
in the commission of the offense, or has been determined to be the 13982
perpetrator of the abusive act that is the basis of an 13983
adjudication that a child is an abused child, it may designate 13984
that parent as the residential parent and may issue a shared 13985
parenting decree or order only if it determines that it is in the 13986
best interest of the child to name that parent the residential 13987
parent or to issue a shared parenting decree or order and it makes 13988
specific written findings of fact to support its determination. 13989

(D)(1)(a) Upon the filing of a pleading or motion by either parent or both parents, in accordance with division (G) of this section, requesting shared parenting and the filing of a shared parenting plan in accordance with that division, the court shall comply with division (D)(1)(a)(i), (ii), or (iii) of this section, whichever is applicable:

(i) If both parents jointly make the request in their pleadings or jointly file the motion and also jointly file the plan, the court shall review the parents' plan to determine if it is in the best interest of the children. If the court determines that the plan is in the best interest of the children, the court shall approve it. If the court determines that the plan or any part of the plan is not in the best interest of the children, the court shall require the parents to make appropriate changes to the plan to meet the court's objections to it. If changes to the plan are made to meet the court's objections, and if the new plan is in the best interest of the children, the court shall approve the plan. If changes to the plan are not made to meet the court's objections, or if the parents attempt to make changes to the plan to meet the court's objections, but the court determines that the new plan or any part of the new plan still is not in the best interest of the children, the court may reject the portion of the parents' pleadings or deny their motion requesting shared parenting of the children and proceed as if the request in the pleadings or the motion had not been made. The court shall not approve a plan under this division unless it determines that the plan is in the best interest of the children.

(ii) If each parent makes a request in the parent's pleadings or files a motion and each also files a separate plan, the court shall review each plan filed to determine if either is in the best interest of the children. If the court determines that one of the filed plans is in the best interest of the children, the court may

approve the plan. If the court determines that neither filed plan 14022
is in the best interest of the children, the court may order each 14023
parent to submit appropriate changes to the parent's plan or both 14024
of the filed plans to meet the court's objections, or may select 14025
one of the filed plans and order each parent to submit appropriate 14026
changes to the selected plan to meet the court's objections. If 14027
changes to the plan or plans are submitted to meet the court's 14028
objections, and if any of the filed plans with the changes is in 14029
the best interest of the children, the court may approve the plan 14030
with the changes. If changes to the plan or plans are not 14031
submitted to meet the court's objections, or if the parents submit 14032
changes to the plan or plans to meet the court's objections but 14033
the court determines that none of the filed plans with the 14034
submitted changes is in the best interest of the children, the 14035
court may reject the portion of the parents' pleadings or deny 14036
their motions requesting shared parenting of the children and 14037
proceed as if the requests in the pleadings or the motions had not 14038
been made. If the court approves a plan under this division, 14039
either as originally filed or with submitted changes, or if the 14040
court rejects the portion of the parents' pleadings or denies 14041
their motions requesting shared parenting under this division and 14042
proceeds as if the requests in the pleadings or the motions had 14043
not been made, the court shall enter in the record of the case 14044
findings of fact and conclusions of law as to the reasons for the 14045
approval or the rejection or denial. Division (D)(1)(b) of this 14046
section applies in relation to the approval or disapproval of a 14047
plan under this division. 14048

(iii) If each parent makes a request in the parent's 14049
pleadings or files a motion but only one parent files a plan, or 14050
if only one parent makes a request in the parent's pleadings or 14051
files a motion and also files a plan, the court in the best 14052
interest of the children may order the other parent to file a plan 14053
for shared parenting in accordance with division (G) of this 14054

section. The court shall review each plan filed to determine if 14055
any plan is in the best interest of the children. If the court 14056
determines that one of the filed plans is in the best interest of 14057
the children, the court may approve the plan. If the court 14058
determines that no filed plan is in the best interest of the 14059
children, the court may order each parent to submit appropriate 14060
changes to the parent's plan or both of the filed plans to meet 14061
the court's objections or may select one filed plan and order each 14062
parent to submit appropriate changes to the selected plan to meet 14063
the court's objections. If changes to the plan or plans are 14064
submitted to meet the court's objections, and if any of the filed 14065
plans with the changes is in the best interest of the children, 14066
the court may approve the plan with the changes. If changes to the 14067
plan or plans are not submitted to meet the court's objections, or 14068
if the parents submit changes to the plan or plans to meet the 14069
court's objections but the court determines that none of the filed 14070
plans with the submitted changes is in the best interest of the 14071
children, the court may reject the portion of the parents' 14072
pleadings or deny the parents' motion or reject the portion of the 14073
parents' pleadings or deny their motions requesting shared 14074
parenting of the children and proceed as if the request or 14075
requests or the motion or motions had not been made. If the court 14076
approves a plan under this division, either as originally filed or 14077
with submitted changes, or if the court rejects the portion of the 14078
pleadings or denies the motion or motions requesting shared 14079
parenting under this division and proceeds as if the request or 14080
requests or the motion or motions had not been made, the court 14081
shall enter in the record of the case findings of fact and 14082
conclusions of law as to the reasons for the approval or the 14083
rejection or denial. Division (D)(1)(b) of this section applies in 14084
relation to the approval or disapproval of a plan under this 14085
division. 14086

(b) The approval of a plan under division (D)(1)(a)(ii) or 14087

(iii) of this section is discretionary with the court. The court 14088
shall not approve more than one plan under either division and 14089
shall not approve a plan under either division unless it 14090
determines that the plan is in the best interest of the children. 14091
If the court, under either division, does not determine that any 14092
filed plan or any filed plan with submitted changes is in the best 14093
interest of the children, the court shall not approve any plan. 14094

(c) Whenever possible, the court shall require that a shared 14095
parenting plan approved under division (D)(1)(a)(i), (ii), or 14096
(iii) of this section ensure the opportunity for both parents to 14097
have frequent and continuing contact with the child, unless 14098
frequent and continuing contact with any parent would not be in 14099
the best interest of the child. 14100

(d) If a court approves a shared parenting plan under 14101
division (D)(1)(a)(i), (ii), or (iii) of this section, the 14102
approved plan shall be incorporated into a final shared parenting 14103
decree granting the parents the shared parenting of the children. 14104
Any final shared parenting decree shall be issued at the same time 14105
as and shall be appended to the final decree of dissolution, 14106
divorce, annulment, or legal separation arising out of the action 14107
out of which the question of the allocation of parental rights and 14108
responsibilities for the care of the children arose. 14109

No provisional shared parenting decree shall be issued in 14110
relation to any shared parenting plan approved under division 14111
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 14112
parenting decree issued under this division has immediate effect 14113
as a final decree on the date of its issuance, subject to 14114
modification or termination as authorized by this section. 14115

(2) If the court finds, with respect to any child under 14116
eighteen years of age, that it is in the best interest of the 14117
child for neither parent to be designated the residential parent 14118
and legal custodian of the child, it may commit the child to a 14119

relative of the child or certify a copy of its findings, together 14120
with as much of the record and the further information, in 14121
narrative form or otherwise, that it considers necessary or as the 14122
juvenile court requests, to the juvenile court for further 14123
proceedings, and, upon the certification, the juvenile court has 14124
exclusive jurisdiction. 14125

(E)(1)(a) The court shall not modify a prior decree 14126
allocating parental rights and responsibilities for the care of 14127
children unless it finds, based on facts that have arisen since 14128
the prior decree or that were unknown to the court at the time of 14129
the prior decree, that a change has occurred in the circumstances 14130
of the child, the child's residential parent, or either of the 14131
parents subject to a shared parenting decree, and that the 14132
modification is necessary to serve the best interest of the child. 14133
In applying these standards, the court shall retain the 14134
residential parent designated by the prior decree or the prior 14135
shared parenting decree, unless a modification is in the best 14136
interest of the child and one of the following applies: 14137

(i) The residential parent agrees to a change in the 14138
residential parent or both parents under a shared parenting decree 14139
agree to a change in the designation of residential parent. 14140

(ii) The child, with the consent of the residential parent or 14141
of both parents under a shared parenting decree, has been 14142
integrated into the family of the person seeking to become the 14143
residential parent. 14144

(iii) The harm likely to be caused by a change of environment 14145
is outweighed by the advantages of the change of environment to 14146
the child. 14147

(b) One or both of the parents under a prior decree 14148
allocating parental rights and responsibilities for the care of 14149
children that is not a shared parenting decree may file a motion 14150

requesting that the prior decree be modified to give both parents 14151
shared rights and responsibilities for the care of the children. 14152
The motion shall include both a request for modification of the 14153
prior decree and a request for a shared parenting order that 14154
complies with division (G) of this section. Upon the filing of the 14155
motion, if the court determines that a modification of the prior 14156
decree is authorized under division (E)(1)(a) of this section, the 14157
court may modify the prior decree to grant a shared parenting 14158
order, provided that the court shall not modify the prior decree 14159
to grant a shared parenting order unless the court complies with 14160
divisions (A) and (D)(1) of this section and, in accordance with 14161
those divisions, approves the submitted shared parenting plan and 14162
determines that shared parenting would be in the best interest of 14163
the children. 14164

(2) In addition to a modification authorized under division 14165
(E)(1) of this section: 14166

(a) Both parents under a shared parenting decree jointly may 14167
modify the terms of the plan for shared parenting approved by the 14168
court and incorporated by it into the shared parenting decree. 14169
Modifications under this division may be made at any time. The 14170
modifications to the plan shall be filed jointly by both parents 14171
with the court, and the court shall include them in the plan, 14172
unless they are not in the best interest of the children. If the 14173
modifications are not in the best interests of the children, the 14174
court, in its discretion, may reject the modifications or make 14175
modifications to the proposed modifications or the plan that are 14176
in the best interest of the children. Modifications jointly 14177
submitted by both parents under a shared parenting decree shall be 14178
effective, either as originally filed or as modified by the court, 14179
upon their inclusion by the court in the plan. Modifications to 14180
the plan made by the court shall be effective upon their inclusion 14181
by the court in the plan. 14182

(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 upon the request of one or both parents, that shared parenting is not in the best interest of the children. If modification of the terms of the plan for shared parenting approved by the court and incorporated by it into the final shared parenting decree is attempted under division (E)(2)(a) of this section and the court rejects the modifications, it may terminate the final shared parenting decree if it determines that shared parenting is not in the best interest of the children.

(d) Upon the termination of a prior final shared parenting decree under division (E)(2)(c) of this section, the court shall proceed and issue a modified decree for the allocation of parental rights and responsibilities for the care of the children under the standards applicable under divisions (A), (B), and (C) of this section as if no decree for shared parenting had been granted and as if no request for shared parenting ever had been made.

(F)(1) In determining the best interest of a child pursuant 14215
to this section, whether on an original decree allocating parental 14216
rights and responsibilities for the care of children or a 14217
modification of a decree allocating those rights and 14218
responsibilities, the court shall consider all relevant factors, 14219
including, but not limited to: 14220

(a) The wishes of the child's parents regarding the child's 14221
care; 14222

(b) If the court has interviewed the child in chambers 14223
pursuant to division (B) of this section regarding the child's 14224
wishes and concerns as to the allocation of parental rights and 14225
responsibilities concerning the child, the wishes and concerns of 14226
the child, as expressed to the court; 14227

(c) The child's interaction and interrelationship with the 14228
child's parents, siblings, and any other person who may 14229
significantly affect the child's best interest; 14230

(d) The child's adjustment to the child's home, school, and 14231
community; 14232

(e) The mental and physical health of all persons involved in 14233
the situation; 14234

(f) The parent more likely to honor and facilitate 14235
court-approved parenting time rights or visitation and 14236
companionship rights; 14237

(g) Whether either parent has failed to make all child 14238
support payments, including all arrearages, that are required of 14239
that parent pursuant to a child support order under which that 14240
parent is an obligor; 14241

(h) Whether either parent or any member of the household of 14242
either parent previously has been convicted of or pleaded guilty 14243
to any criminal offense involving any act that resulted in a child 14244

being an abused child or a neglected child; whether either parent, 14245
in a case in which a child has been adjudicated an abused child or 14246
a neglected child, previously has been determined to be the 14247
perpetrator of the abusive or neglectful act that is the basis of 14248
an adjudication; whether either parent or any member of the 14249
household of either parent previously has been convicted of or 14250
pleaded guilty to a violation of section 2919.25 of the Revised 14251
Code or a sexually oriented offense involving a victim who at the 14252
time of the commission of the offense was a member of the family 14253
or household that is the subject of the current proceeding; 14254
whether either parent or any member of the household of either 14255
parent previously has been convicted of or pleaded guilty to any 14256
offense involving a victim who at the time of the commission of 14257
the offense was a member of the family or household that is the 14258
subject of the current proceeding and caused physical harm to the 14259
victim in the commission of the offense; and whether there is 14260
reason to believe that either parent has acted in a manner 14261
resulting in a child being an abused child or a neglected child; 14262

(i) Whether the residential parent or one of the parents 14263
subject to a shared parenting decree has continuously and 14264
willfully denied the other parent's right to parenting time in 14265
accordance with an order of the court; 14266

(j) Whether either parent has established a residence, or is 14267
planning to establish a residence, outside this state. 14268

(2) In determining whether shared parenting is in the best 14269
interest of the children, the court shall consider all relevant 14270
factors, including, but not limited to, the factors enumerated in 14271
division (F)(1) of this section, the factors enumerated in section 14272
3119.23 of the Revised Code, and all of the following factors: 14273

(a) The ability of the parents to cooperate and make 14274
decisions jointly, with respect to the children; 14275

(b) The ability of each parent to encourage the sharing of love, affection, and contact between the child and the other parent; 14276
14277
14278

(c) Any history of, or potential for, child abuse, spouse abuse, other domestic violence, or parental kidnapping by either parent; 14279
14280
14281

(d) The geographic proximity of the parents to each other, as the proximity relates to the practical considerations of shared parenting; 14282
14283
14284

(e) The recommendation of the guardian ad litem of the child, if the child has a guardian ad litem. 14285
14286

(3) When allocating parental rights and responsibilities for the care of children, the court shall not give preference to a parent because of that parent's financial status or condition. 14287
14288
14289

(G) Either parent or both parents of any children may file a pleading or motion with the court requesting the court to grant both parents shared parental rights and responsibilities for the care of the children in a proceeding held pursuant to division (A) of this section. If a pleading or motion requesting shared parenting is filed, the parent or parents filing the pleading or motion also shall file with the court a plan for the exercise of shared parenting by both parents. If each parent files a pleading or motion requesting shared parenting but only one parent files a plan or if only one parent files a pleading or motion requesting shared parenting and also files a plan, the other parent as ordered by the court shall file with the court a plan for the exercise of shared parenting by both parents. The plan for shared parenting shall be filed with the petition for dissolution of marriage, if the question of parental rights and responsibilities for the care of the children arises out of an action for dissolution of marriage, or, in other cases, at a time at least 14290
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thirty days prior to the hearing on the issue of the parental 14307
rights and responsibilities for the care of the children. A plan 14308
for shared parenting shall include provisions covering all factors 14309
that are relevant to the care of the children, including, but not 14310
limited to, provisions covering factors such as physical living 14311
arrangements, child support obligations, provision for the 14312
children's medical and dental care, school placement, and the 14313
parent with which the children will be physically located during 14314
legal holidays, school holidays, and other days of special 14315
importance. 14316

(H) If an appeal is taken from a decision of a court that 14317
grants or modifies a decree allocating parental rights and 14318
responsibilities for the care of children, the court of appeals 14319
shall give the case calendar priority and handle it expeditiously. 14320

(I) Upon receipt of an order to active military service in 14321
the uniformed services, a parent who is subject to an order 14322
allocating parental rights and responsibilities or in relation to 14323
whom an action to allocate parental rights and responsibilities is 14324
pending and who is ordered to active military service shall notify 14325
the other parent who is subject to the order or in relation to 14326
whom the case is pending of the order to active military service. 14327
Either parent may apply to the court for a hearing to expedite an 14328
allocation or modification proceeding. The application shall 14329
include the date on which the active military service begins. 14330

The court shall schedule a hearing upon receipt of the 14331
application and hold the hearing not later than thirty days after 14332
receipt of the application, except that the court shall give the 14333
case calendar priority and handle the case expeditiously if 14334
exigent circumstances exist in the case. 14335

The court shall not modify a prior decree allocating parental 14336
rights and responsibilities unless the court determines by clear 14337
and convincing evidence that there has been a change in 14338

circumstances of the child, the child's residential parent, or 14339
either of the parents subject to a shared parenting decree, and 14340
that modification is necessary to serve the best interest of the 14341
child. The court shall not consider active military service in the 14342
uniformed services in determining whether a change in 14343
circumstances exists under this section. 14344

Nothing in this division shall prevent a court from issuing a 14345
temporary order allocating or modifying parental rights and 14346
responsibilities for the duration of the parent's active military 14347
service. 14348

(J) As used in this section: 14349

(1) "Abused child" has the same meaning as in section 14350
2151.031 of the Revised Code, ~~and "neglected,"~~ 14351

(2) "Active military service" means the performance of active 14352
military duty by a member of the uniformed services for a period 14353
of more than thirty days. 14354

(3) "Neglected child" has the same meaning as in section 14355
2151.03 of the Revised Code. 14356

~~(2)~~(4) "Sexually oriented offense" has the same meaning as in 14357
section 2950.01 of the Revised Code. 14358

(5) "Uniformed services" means the United States armed 14359
forces, army national guard and air national guard when engaged in 14360
active duty for training, or the commissioned corps of the United 14361
States public health service. 14362

~~(J)~~(K) As used in the Revised Code, "shared parenting" means 14363
that the parents share, in the manner set forth in the plan for 14364
shared parenting that is approved by the court under division 14365
(D)(1) and described in division ~~(K)~~(L)(6) of this section, all or 14366
some of the aspects of physical and legal care of their children. 14367

~~(K)~~(L) For purposes of the Revised Code: 14368

(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.

(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.

(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 14401
"custody of the child" or "care, custody, and control of the 14402
child" under the order, to the extent and in the manner specified 14403
in the order. 14404

(6) Unless the context clearly requires otherwise and except 14405
as otherwise provided in the order, if an order is issued by a 14406
court pursuant to this section and the order provides for shared 14407
parenting of a child, each parent, regardless of where the child 14408
is physically located or with whom the child is residing at a 14409
particular point in time, as specified in the order, is the 14410
"residential parent," the "residential parent and legal 14411
custodian," or the "custodial parent" of the child. 14412

(7) Unless the context clearly requires otherwise and except 14413
as otherwise provided in the order, a designation in the order of 14414
a parent as the residential parent for the purpose of determining 14415
the school the child attends, as the custodial parent for purposes 14416
of claiming the child as a dependent pursuant to section 152(e) of 14417
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 14418
1, as amended, or as the residential parent for purposes of 14419
receiving public assistance pursuant to division (A)(2) of this 14420
section, does not affect the designation pursuant to division 14421
~~(K)~~(L)(6) of this section of each parent as the "residential 14422
parent," the "residential parent and legal custodian," or the 14423
"custodial parent" of the child. 14424

~~(L)~~(M) The court shall require each parent of a child to file 14425
an affidavit attesting as to whether the parent, and the members 14426
of the parent's household, have been convicted of or pleaded 14427
guilty to any of the offenses identified in divisions (C) and 14428
(F)(1)(h) of this section. 14429

Sec. 3109.041. (A) Parties to any custody decree issued 14430
pursuant to section 3109.04 of the Revised Code prior to ~~the~~ 14431

~~effective date of this amendment~~ April 11, 1991, may file a motion 14432
with the court that issued the decree requesting the issuance of a 14433
shared parenting decree in accordance with division (G) of section 14434
3109.04 of the Revised Code. Upon the filing of the motion, the 14435
court shall determine whether to grant the parents shared rights 14436
and responsibilities for the care of the children in accordance 14437
with divisions (A), (D)(1), ~~and~~ (E)(1), and (I) of section 3109.04 14438
of the Revised Code. 14439

(B) A custody decree issued pursuant to section 3109.04 of 14440
the Revised Code prior to ~~the effective date of this amendment~~ 14441
April 11, 1991, that granted joint care, custody, and control of 14442
the children to the parents shall not be affected or invalidated 14443
by, and shall not be construed as being affected or invalidated 14444
by, the provisions of section 3109.04 of the Revised Code relative 14445
to the granting of a shared parenting decree or a decree 14446
allocating parental rights and responsibilities for the care of 14447
children on and after ~~the effective date of this amendment~~ April 14448
11, 1991. The decree issued prior to ~~the effective date of this~~ 14449
~~amendment~~ April 11, 1991 shall remain in full force and effect, 14450
subject to modification or termination pursuant to section 3109.04 14451
of the Revised Code as that section exists on and after ~~the~~ 14452
~~effective date of this amendment~~ April 11, 1991. 14453

(C) As used in this section, "joint custody" and "joint care, 14454
custody, and control" have the same meaning as "shared parenting." 14455

Sec. 3119.022. When a court or child support enforcement 14456
agency calculates the amount of child support to be paid pursuant 14457
to a child support order in a proceeding in which one parent is 14458
the residential parent and legal custodian of all of the children 14459
who are the subject of the child support order or in which the 14460
court issues a shared parenting order, the court or agency shall 14461
use a worksheet identical in content and form to the following: 14462

(Include in Col. I and/or			14495
Col. II the average of the			14496
three years or the year 1			14497
amount, whichever is less,			14498
if there exists a reasonable			14499
expectation that the total			14500
earnings from overtime and/or			14501
bonuses during the current			14502
calendar year will meet or			14503
exceed the amount that is			14504
the lower of the average			14505
of the three years or the			14506
year 1 amount. If, however,			14507
there exists a reasonable			14508
expectation that the total			14509
earnings from overtime/			14510
bonuses during the current			14511
calendar year will be less			14512
than the lower of the average			14513
of the 3 years or the year 1			14514
amount, include only the			14515
amount reasonably expected			14516
to be earned this year.)... \$..... \$.....			14517
			14518
2. For self-employment income:			14519
a. Gross receipts from			14520
business..... \$..... \$.....			14521
b. Ordinary and necessary			14522
business expenses..... \$..... \$.....			14523
c. 5.6% of adjusted gross			14524
income or the actual			14525
marginal difference between			14526
the actual rate paid by the			14527

self-employed individual			14528
and the F.I.C.A. rate	\$.....	\$.....	14529
d. Adjusted gross income from			14530
self-employment (subtract			14531
the sum of 2b and 2c from			14532
2a).....	\$.....	\$.....	14533
			14534
3. Annual income from interest			14535
and dividends (whether or			14536
not taxable).....	\$.....	\$.....	14537
			14538
4. Annual income from			14539
unemployment compensation...	\$.....	\$.....	14540
			14541
5. Annual income from workers'			14542
compensation, disability			14543
insurance benefits, or social			14544
security disability/			14545
retirement benefits.....	\$.....	\$.....	14546
			14547
6. Other annual income			14548
(identify).....	\$.....	\$.....	14549
			14550
7. <u>a.</u> Total annual gross income			14551
(add lines 1a, 1b, 2d, and			14552
3-6).....	\$.....	\$.....	14553
<u>b.</u> <u>Health care maximum (multiply</u>			14554
<u>line 7a by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	14555
			14556
ADJUSTMENTS TO INCOME:			14557
8. Adjustment for minor children			14558
born to or adopted by either			14559
parent and another parent who			14560

are living with this parent;			14561
adjustment does not apply			14562
to stepchildren (number of			14563
children times federal income			14564
tax exemption less child			14565
support received, not to			14566
exceed the federal tax			14567
exemption).....	\$.....	\$.....	14568
			14569
9. Annual court-ordered support			14570
paid for other children....	\$.....	\$.....	14571
			14572
10. Annual court-ordered spousal			14573
support paid to any spouse			14574
or former spouse.....	\$.....	\$.....	14575
			14576
11. Amount of local income taxes			14577
actually paid or estimated			14578
to be paid.....	\$.....	\$.....	14579
			14580
12. Mandatory work-related			14581
deductions such as union			14582
dues, uniform fees, etc.			14583
(not including taxes, social			14584
security, or retirement)...	\$.....	\$.....	14585
			14586
13. Total gross income			14587
adjustments (add lines			14588
8 through 12).....	\$.....	\$.....	14589
			14590
14. Adjusted annual gross			14591
income (subtract line 13			14592
from line 7a).....	\$.....	\$.....	14593

	14594
15. Combined annual income that	14595
is basis for child support	14596
order (add line 14, Col. I	14597
and Col. II).....	\$..... 14598
	14599
16. Percentage of parent's	14600
income to total income	14601
a. Father (divide line 14,	14602
Col. I, by line 15, Col.	14603
III).....%	14604
b. Mother (divide line 14,	14605
Col. II, by line 15, Col.	14606
III).....%	14607
	14608
17. Basic combined child	14609
support obligation (refer	14610
to schedule, first column,	14611
locate the amount nearest	14612
to the amount on line 15,	14613
Col. III, then refer to	14614
column for number of	14615
children in this family.	14616
If the income of the	14617
parents is more than one	14618
sum but less than another,	14619
you may calculate the	14620
difference.).....	\$..... 14621
	14622
18. Annual support obligation per parent	14623
a. Father (multiply line 17,	14624
Col. III, by line 16a).....	\$..... 14625
b. Mother (multiply line 17,	14626

Col. III, by line 16b).....	\$.....	14627
		14628
19. Annual child care expenses		14629
for children who are the		14630
subject of this order that		14631
are work-, employment		14632
training-, or education-		14633
related, as approved by		14634
the court or agency		14635
(deduct tax credit from		14636
annual cost, whether or		14637
not claimed).....	\$..... \$.....	14638
		14639
20. Marginal, out-of-pocket		14640
costs, necessary to provide		14641
for health insurance for		14642
the children who are the		14643
subject of this order		14644
<u>Actual out-of-pocket</u>		14645
<u>health insurance cost</u>		14646
<u>to parent for the children</u>		14647
<u>who are the subject of</u>		14648
<u>this order, if the parent</u>		14649
<u>is ordered to provide</u>		14650
<u>health insurance</u>	\$..... \$.....	14651
		14652
21. ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		
Father (only if obligor	Mother (only if obligor	14654
or shared parenting)	or shared parenting)	14655
a. Additions: line 16a	b. Additions: line 16b	14656
times sum of amounts	times sum of amounts	14657
shown on line 19, Col. II	shown on line 19, Col. I	14658
and line 20, Col. II	and line 20, Col. I	14659

\$.....	\$.....	14660
c. Subtractions: line 16b	d. Subtractions: line 16a	14661
times sum of amounts	times sum of amounts	14662
shown on line 19, Col. I	shown on line 19, Col. II	14663
and line 20, Col. I	and line 20, Col. II	14664
\$.....	\$.....	14665
		14666
22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH</u>		14667
<u>INSURANCE IS PROVIDED:</u>		
a. Father: line 18a plus or		14668
minus the difference between		14669
line 21a minus line 21c		14670
..... \$.....		14671
b. Mother: line 18b plus or		14672
minus the difference between		14673
line 21b minus line 21d		14674
..... \$.....		14675
		14676
23. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		14677
a. (Line 22a or 22b, whichever		14678
line corresponds to the		14679
parent who is the obligor). \$.....		14680
b. Any non-means-tested		14681
benefits, including social		14682
security and veterans'		14683
benefits, paid to and		14684
received by a child or a		14685
person on behalf of the		14686
child due to death,		14687
disability, or retirement		14688
of the parent..... \$.....		14689
c. Actual annual obligation		14690
(subtract line 23b from		14691

line 23a).....	\$.....	14692
		14693
24. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:		14694
<u>Father (only if obligor or shared parenting)</u>	<u>Mother (only if obligor or shared parenting)</u>	14695
		14696
a. <u>Additions: line 16a times amount shown on line 19, Col. II</u>	b. <u>Additions: line 16b times amount shown on line 19, Col. I</u>	14697
		14698
		14699
		14700
c. <u>Subtractions: line 16b times amount shown on line 19, Col. I</u>	d. <u>Subtractions: line 16a times amount shown on line 19, Col. II</u>	14701
		14702
		14703
		14704
		14705
25. <u>OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		14706
		14707
a. <u>Father: line 18a plus or minus the difference between line 24a minus line 24c</u>		14708
.....	\$.....	14709
b. <u>Mother: line 18b plus or minus the difference between line 24b and 24d</u>		14710
.....	\$.....	14711
		14712
26. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		14713
a. <u>(Line 25a or 25b, whichever line corresponds to the parent who is the obligor)</u>		14714
	\$.....	14715
b. <u>Any non-means-tested benefits, including social</u>		14716

<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>	<u>\$.....</u>	14717
c. <u>Actual annual obligation</u>		14718
<u>(subtract line 26b from line</u>		
<u>26a</u>	<u>\$.....</u>	14719
		14720
<u>27.a.</u> Deviation from sole residential parent support amount shown		14721
on line 23c if amount would be unjust or inappropriate: (see		14722
section 3119.23 of the Revised Code.) (Specific facts and		14723
monetary value must be stated.)		14724
.....		14725
.....		14726
.....		14727
.....		14728
b. Deviation from shared parenting order: (see sections 3119.23		14729
and 3119.24 of the Revised Code.) (Specific facts including		14730
amount of time children spend with each parent, ability of		14731
each parent to maintain adequate housing for children, and		14732
each parent's expenses for children must be stated to justify		14733
deviation.)		14734
.....		14735
.....		14736
.....		14737
.....		14738
	<u>WHEN</u>	<u>WHEN</u>
	<u>HEALTH</u>	<u>HEALTH</u>
	<u>INSURANCE</u>	<u>INSURANCE</u>
	<u>IS</u>	<u>IS NOT</u>
		14739

<u>support per month (divide</u>				
<u>line 30 by 12)</u>		<u>\$.....</u>		14750
Prepared by:				14751
Counsel:	Pro se:			14752
(For mother/father)				14753
CSEA:	Other:			14754
Worksheet Has Been Reviewed and Agreed To:				14755
.....	.....			14756
Mother	Date			14757
.....	.....			14758
Father	Date			14759
Sec. 3119.023. When a court or child support enforcement				14760
agency calculates the amount of child support to be paid pursuant				14761
to a court child support order in a proceeding in which the				14762
parents have split parental rights and responsibilities with				14763
respect to the children who are the subject of the child support				14764
order, the court or child support enforcement agency shall use a				14765
worksheet that is identical in content and form to the following:				14766
CHILD SUPPORT COMPUTATION WORKSHEET				14767
SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES				14768
Name of parties				14769
Case No.				14770
Number of minor children				14771
Number of minor children with mother	father			14772
	Column I	Column II	Column III	14773
	Father	Mother	Combined	14774
INCOME:				14775
1.a. Annual gross income from				14776
employment or, when				14777
determined appropriate				14778
by the court or agency,				14779

average annual gross income		14780
from employment over a		14781
reasonable period of years.		14782
(Exclude overtime, bonuses,		14783
self-employment income, or		14784
commissions).....	\$..... \$.....	14785
b. Amount of overtime,		14786
bonuses, and commissions		14787
(year 1 representing the		14788
most recent year)		14789
Father	Mother	14790
Yr. 3 \$.....	Yr. 3 \$.....	14791
(Three years ago)	(Three years ago)	14792
Yr. 2 \$.....	Yr. 2 \$.....	14793
(Two years ago)	(Two years ago)	14794
Yr. 1 \$.....	Yr. 1 \$.....	14795
(Last calendar year)	(Last calendar year)	14796
Average \$.....	\$.....	14797
(Include in Col. I and/or		14798
Col. II the average of the		14799
three years or the year 1		14800
amount, whichever is less,		14801
if there exists a reasonable		14802
expectation that the total		14803
earnings from overtime and/or		14804
bonuses during the current		14805
calendar year will meet or		14806
exceed the amount that is		14807
the lower of the average		14808
of the three years or the		14809
year 1 amount. If, however,		14810
there exists a reasonable		14811
expectation that the total		14812

earnings from overtime/			14813
bonuses during the current			14814
calendar year will be less			14815
than the lower of the average			14816
of the 3 years or the year 1			14817
amount, include only the			14818
amount reasonably expected			14819
to be earned this year.)... \$..... \$.....			14820
			14821
2. For self-employment income			14822
a. Gross receipts from			14823
business..... \$..... \$.....			14824
b. Ordinary and necessary			14825
business expenses..... \$..... \$.....			14826
c. 5.6% of adjusted gross			14827
income or the actual			14828
marginal difference between			14829
the actual rate paid by the			14830
self-employed individual			14831
and the F.I.C.A. rate \$..... \$.....			14832
d. Adjusted gross income from			14833
self-employment (subtract			14834
the sum of 2b and 2c from			14835
2a)..... \$..... \$.....			14836
			14837
3. Annual income from interest			14838
and dividends (whether or			14839
not taxable)..... \$..... \$.....			14840
			14841
4. Annual income from			14842
unemployment compensation... \$..... \$.....			14843
			14844
5. Annual income from workers'			14845

compensation, disability			14846
insurance benefits or social			14847
security disability			14848
retirement benefits.....	\$.....	\$.....	14849
			14850
6. Other annual income			14851
(identify).....	\$.....	\$.....	14852
			14853
7.a. Total annual gross income			14854
(add lines 1a, 1b, 2d, and			14855
3-6).....	\$.....	\$.....	14856
b. <u>Health care maximum</u>			14857
<u>(multiply line 7a</u>			14858
<u>by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	14859
			14860
ADJUSTMENTS TO INCOME:			14861
8. Adjustment for minor children			14862
born to or adopted by either			14863
parent and another parent who			14864
are living with this parent;			14865
adjustment does not apply			14866
to stepchildren (number of			14867
children times federal income			14868
tax exemption less child			14869
support received, not to			14870
exceed the federal tax			14871
exemption).....	\$.....	\$.....	14872
			14873
9. Annual court-ordered support			14874
paid for other children....	\$.....	\$.....	14875
			14876
10. Annual court-ordered spousal			14877
support paid to any spouse			14878

or former spouse.....	\$.....	\$.....	14879
			14880
11. Amount of local income taxes			14881
actually paid or estimated			14882
to be paid.....	\$.....	\$.....	14883
			14884
12. Mandatory work-related			14885
deductions such as union			14886
dues, uniform fees, etc.			14887
(not including taxes, social			14888
security, or retirement)...	\$.....	\$.....	14889
			14890
13. Total gross income			14891
adjustments (add lines			14892
8 through 12).....	\$.....	\$.....	14893
			14894
14. Adjusted annual gross			14895
income (subtract line 13			14896
from 7a).....	\$.....	\$.....	14897
			14898
15. Combined annual income that			14899
is basis for child support			14900
order (add line 14, Col. I			14901
and Col. II).....		\$.....	14902
			14903
16. Percentage of parent's			14904
income to total income			14905
a. Father (divide line 14,			14906
Col. I, by line 15, Col.			14907
III).....%			14908
b. Mother (divide line 14,			14909
Col. II, by line 15, Col.			14910
III).....%			14911

			14912
17.	Basic combined child		14913
	support obligation (refer		14914
	to schedule, first column,		14915
	locate the amount nearest		14916
	to the amount on line 15,		14917
	Col. III, then refer to		14918
	column for number of		14919
	children with this parent.		14920
	If the income of the		14921
	parents is more than one		14922
	sum but less than another,		14923
	you may calculate the		14924
	difference).....		14925
			14926
	For children	For children	14927
	for whom the	for whom the	14928
	mother is the	father is the	14929
	residential	residential	14930
	parent and	parent and	14931
	legal custodian	legal custodian	14932
	\$.....	\$.....	14933
			14934
18.	Annual support obligation per parent		14935
a.	Of father for children for		14936
	whom mother is the		14937
	residential parent and		14938
	legal custodian (multiply		14939
	line 17, Col. I, by line		14940
	16a).....	\$.....	14941
b.	Of mother for children for		14942
	whom the father is the		14943
	residential parent and		14944

legal custodian (multiply			14945
line 17, Col. II, by line			14946
16b).....	\$.....		14947
			14948
19. Annual child care expenses			14949
for children who are the			14950
subject of this order that			14951
are work-, employment			14952
training-, or education-			14953
related, as approved by			14954
the court or agency			14955
(deduct tax credit from			14956
annual cost whether or			14957
not claimed).....	Paid by	Paid by	14958
	father	mother	14959
	\$.....	\$.....	14960
			14961
20. Marginal, out of pocket			14962
costs, necessary to provide			14963
for health insurance for			14964
the children who are the			14965
subject of this order.....			14966
<u>Actual out-of-pocket health</u>			14967
<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	14968
	father	mother	14969
	\$.....	\$.....	14970
			14971
21. ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS</u>			14972
<u>PROVIDED:</u>			

Father	Mother	14973
a. Additions: line 16a	b. Additions: line 16b	14974
times sum of amounts	times sum of amounts	14975
shown on line 19, Col. II	shown on line 19, Col. I	14976
and line 20, Col. II	and line 20, Col. I	14977
\$.....	\$.....	14978
c. Subtractions: line 16b	d. Subtractions: line 16a	14979
times sum of amounts	times sum of amounts	14980
shown on line 19, Col. I	shown on line 19, Col. II	14981
and line 20, Col. I	and line 20, Col. II	14982
\$.....	\$.....	14983
		14984
22. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		14985
a. Father: line 18a plus line		14986
21a minus line 21c (if the		14987
amount on line 21c is		14988
greater than or equal to		14989
the amount on line 21a--		14990
enter the number on line		14991
18a in Col. I).....	\$.....	14992
b. Any non-means-tested		14993
benefits, including social		14994
security and veterans'		14995
benefits, paid to and		14996
received by children for		14997
whom the mother is the		14998
residential parent and		14999
legal custodian or a person		15000
on behalf of those children		15001
due to death, disability,		15002
or retirement of the		15003
father.....	\$.....	15004
c. Actual annual obligation of		15005

father (subtract line 22b		15006	
from line 22a).....	\$.....	15007	
d. Mother: line 18b plus line		15008	
21b minus line 21d (if the		15009	
amount on line 21d is		15010	
greater than or equal to		15011	
the amount on line		15012	
21b--enter the number on		15013	
line 18b in Col. II).....	\$.....	15014	
e. Any non-means-tested		15015	
benefits, including social		15016	
security and veterans'		15017	
benefits, paid to and		15018	
received by children for		15019	
whom the father is the		15020	
residential parent and		15021	
legal custodian or a person		15022	
on behalf of those children		15023	
due to death, disability,		15024	
or retirement of the		15025	
mother.....	\$.....	15026	
f. Actual annual obligation		15027	
of mother (subtract line 22e		15028	
from line 22d).....	\$.....	15029	
g. Actual annual obligation		15030	
payable (subtract lesser		15031	
actual annual obligation		15032	
from greater actual annual		15033	
obligation using amounts in		15034	
lines 22c and 22f to		15035	
determine net child support		15036	
payable).....	\$.....	\$.....	15037
			15038

23. <u>ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		15039
<u>Father</u>	<u>Mother</u>	15040
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	15041
<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>	15042
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a times</u>	15043
<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>	15044
		15045
24. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		15046
a. <u>Father: line 18a plus line</u>		15047
<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>	15048
b. <u>Any non-means-tested</u>		15049
<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>	15050
c. <u>Actual annual obligation of</u>		15051
<u>the father (subtract line 24b</u>		

	<u>from line 24a)</u>	<u>\$.....</u>	15052	
d.	<u>Mother: line 18b plus line</u> <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>		15053	
	.....	<u>\$.....</u>	15054
e.	<u>Any non-means-tested</u> <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>		15055	
	.....	<u>\$.....</u>	15056
f.	<u>Actual annual obligation of</u> <u>the mother (subtract line 24e</u> <u>from line 24d)</u>		15057	
		<u>\$.....</u>	15058	
g.	<u>Actual annual obligation</u> <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>		15059	
	<u>\$.....</u>	<u>\$.....</u>	15060
h.	<u>Add line 7b, Col. I, to line</u>		15061	

24g, Col. I, when father is
the obligor or line 7b, Col.
II, to line 24g, Col. II,
when mother is obligor

..... \$..... \$..... 15062

15063

25. Deviation from split residential parent guideline amount 15064

shown on line 22c ~~or 22f~~, 22f, 24c, or 24f if amount would be
 unjust or inappropriate: (see section 3119.23 of the Revised
 Code.) (Specific facts and monetary value must be stated.)

..... 15065

..... 15066

..... 15067

..... 15068

	<u>WHEN</u>	<u>WHEN</u>	15069
	<u>HEALTH</u>	<u>HEALTH</u>	
	<u>INSURANCE</u>	<u>INSURANCE</u>	
	<u>IS</u>	<u>IS NOT</u>	
	<u>PROVIDED</u>	<u>PROVIDED</u>	

24 FINAL CHILD SUPPORT FIGURE: 15070

26. (This amount reflects final
 annual child support
 obligation; in Col. I enter
line 22g plus or minus any
amounts indicated in line 23
25, or in Col. II enter line
24h plus or minus any amounts
indicated on line 25.)

..... \$..... \$..... Father/Mother, 15071

OBLIGOR

15072

25 FOR DECREE: Child support per 15073

27. month (divide obligor's

annual share, line 24 <u>26</u> , by			
12) plus any processing			
charge			
.....	\$.....	<u>\$.....</u>	15074
			15075
<u>28. FINAL CASH MEDICAL SUPPORT</u>			15076
<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 from line 7b)</u>			
.....		<u>\$.....</u>	15077
			15078
<u>29. FOR DECREE: Cash medical</u>			15079
<u>support per month (divide</u>			
<u>line 28 by 12)</u>			
.....		<u>\$.....</u>	15080
Prepared by:			15081
Counsel:	Pro se:		15082
(For mother/father)			15083
CSEA:	Other:		15084
Worksheet Has Been Reviewed and Agreed To:			15085
.....	.....		15086
Mother	Date		15087
.....	.....		15088
Father	Date		15089
Sec. 3119.27. (A) A court that issues or modifies a court			15090
support order, or an administrative agency that issues or modifies			15091
an administrative child support order, shall impose on the obligor			15092

under the support order a processing charge that is the greater of 15093
two per cent of the support payment to be collected under a 15094
support order or one dollar per month. No court or agency may call 15095
the charge a poundage fee. 15096

(B) In each child support case that is a Title IV-D case, the 15097
department of job and family services shall claim twenty-five 15098
dollars from the processing charge described in division (A) of 15099
this section for federal reporting purposes if the obligee has 15100
never received assistance under Title IV-A and the department has 15101
collected at least five hundred dollars of child support for the 15102
obligee. The director of job and family services shall adopt rules 15103
under Chapter 119. of the Revised Code to implement this division, 15104
and the department shall implement this division not later than 15105
March 31, 2008. 15106

(C) As used in this section: 15107

(1) "Annual" means the period as defined in regulations 15108
issued by the United States secretary of health and human services 15109
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 15110

(2) "Title IV-A" has the same meaning as in section 5107.02 15111
of the Revised Code. 15112

(3) "Title IV-D case" has the same meaning as in section 15113
3125.01 of the Revised Code. 15114

Sec. 3119.29. (A) As used in this section and sections 15115
3119.30 to 3119.56 of the Revised Code: 15116

~~(A)~~(1) "Cash medical support" means an amount ordered to be 15117
paid in a child support order toward the cost of health insurance 15118
provided by a public entity, another parent, or person with whom 15119
the child resides, through employment or otherwise, or for other 15120
medical cost not covered by insurance. 15121

(2) "Federal poverty line" has the same meaning as defined in 15122

<u>section 5104.01 of the Revised Code.</u>	15123
<u>(3) "Health care" means such medical support that includes</u>	15124
<u>coverage under a health insurance plan, payment of costs of</u>	15125
<u>premiums, co-payments, and deductibles, or payment for medical</u>	15126
<u>expenses incurred on behalf of the child.</u>	15127
<u>(4) "Health insurance coverage" means accessible health</u>	15128
<u>insurance that provides primary care services within either thirty</u>	15129
<u>miles or thirty minutes driving time from the residence of the</u>	15130
<u>child subject to the child support order.</u>	15131
<u>(5) "Health plan administrator" means any entity authorized</u>	15132
<u>under Title XXXIX of the Revised Code to engage in the business of</u>	15133
<u>insurance in this state, any health insuring corporation, any</u>	15134
<u>legal entity that is self-insured and provides benefits to its</u>	15135
<u>employees or members, and the administrator of any such entity or</u>	15136
<u>corporation.</u>	15137
(B) <u>(6) "National medical support notice" means a form</u>	15138
<u>required by the "Child Support Performance and Incentive Act of</u>	15139
<u>1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as</u>	15140
<u>amended, and jointly developed and promulgated by the secretary of</u>	15141
<u>health and human services and the secretary of labor in federal</u>	15142
<u>regulations adopted under that act as modified by the department</u>	15143
<u>of job and family services under section 3119.291 of the Revised</u>	15144
<u>Code.</u>	15145
(C) <u>(7) "Person required to provide health insurance coverage"</u>	15146
<u>means the obligor, obligee, or both, required by the court under a</u>	15147
<u>court child support order or by the child support enforcement</u>	15148
<u>agency under an administrative child support order to provide</u>	15149
<u>health insurance coverage pursuant to section 3119.30 of the</u>	15150
<u>Revised Code.</u>	15151
<u>(8) Subject to division (B) of this section, "reasonable</u>	15152
<u>cost" means the cost of private family health insurance that does</u>	15153

not exceed an amount equal to five per cent of the annual gross 15154
income of the person responsible for the health care of the 15155
children subject to the child support order. 15156

(9) "Title XIX" has the same meaning as defined in section 15157
5111.20 of the Revised Code. 15158

(B) If the United States secretary of health and human 15159
services issues a regulation defining "reasonable cost" or a 15160
similar term or phrase relevant to the provisions in child support 15161
orders relating to the provision of health care for children 15162
subject to the orders, and if that definition is substantively 15163
different from the meaning of "reasonable cost" as defined in 15164
division (A) of this section, "reasonable cost" as used in this 15165
section shall have the meaning as defined by the United States 15166
secretary of health and human services. 15167

Sec. 3119.30. (A) In any action or proceeding in which a 15168
child support order is issued or modified, the court, with respect 15169
to court child support orders, and the child support enforcement 15170
agency, with respect to administrative child support orders, shall 15171
determine the person responsible for the health care of the 15172
children subject to the child support order. The determination 15173
shall be based on information provided to the court or to the 15174
child support enforcement agency under section 3119.31 of the 15175
Revised Code. The order shall include ~~one of the following:~~ 15176

~~(A) A requirement that the obligor under the child support~~ 15177
~~order obtain health insurance coverage for the children if~~ 15178
~~coverage is available at a reasonable cost through a group policy,~~ 15179
~~contract, or plan offered by the obligor's employer or through any~~ 15180
~~other group policy, contract, or plan available to the obligor and~~ 15181
~~is not available for a more reasonable cost through a group~~ 15182
~~policy, contract, or plan available to the obligee;~~ 15183

~~(B)~~(1) A requirement that the obligee obtain health insurance 15184

coverage for the children if coverage is available ~~through a group~~ 15185
~~policy, contract, or plan offered by the obligee's employer or~~ 15186
through any ~~other~~ group policy, contract, or plan available to the 15187
obligee and is available at a more reasonable cost than coverage 15188
is available to the obligor; 15189

~~(C)(2)~~ A requirement that the obligor under the child support 15190
order obtain health insurance coverage for the children if 15191
coverage is available at a reasonable cost through any group 15192
policy, contract, or plan available to the obligor and, in the 15193
alternative, if the court or child support enforcement agency 15194
determines that health insurance coverage is not available at a 15195
reasonable cost to the obligee or obligor, and that the gross 15196
income of the obligor is over one hundred fifty per cent of the 15197
federal poverty line, pay cash medical support that is five per 15198
cent of the obligor's annual gross income to either the office of 15199
child support in the department of job and family services to 15200
defray the cost of expenditures under Title XIX to provide health 15201
care for the children, or the obligee if the children are not 15202
receiving assistance under Title XIX; 15203

(3) If health insurance coverage for the children is not 15204
available at a reasonable cost ~~through a group policy, contract,~~ 15205
~~or plan offered by the obligor's or obligee's employer or through~~ 15206
~~any other group policy, contract, or plan available to the obligor~~ 15207
or the obligee, ~~a requirement~~ that the obligor and the obligee 15208
share liability for the cost of the ~~medical and~~ health care needs 15209
of the children, under an equitable formula established by the 15210
court, with respect to a court child support order, or the child 15211
support enforcement agency, with respect to an administrative 15212
child support order, with appropriate offset of the amount of any 15213
cash medical payment ordered pursuant to division (A)(2) of this 15214
section, and a requirement that if, after the issuance of the 15215
order, health insurance coverage for the children becomes 15216

available at a reasonable cost ~~through a group policy, contract,~~ 15217
~~or plan offered by the obligor's or obligee's employer or through~~ 15218
any ~~other~~ group policy, contract, or plan available to the obligor 15219
or obligee, the obligor or obligee to whom the coverage becomes 15220
available immediately inform the court, with respect to a court 15221
child support order, or the child support enforcement agency, with 15222
respect to an administrative child support order; 15223

~~(D)~~(4) A requirement that both the obligor and the obligee 15224
obtain health insurance coverage for the children if coverage is 15225
available for the children at a reasonable cost to both the 15226
obligor and the obligee and dual coverage would provide for 15227
coordination of medical benefits without unnecessary duplication 15228
of coverage. 15229

(B) The court, with respect to court child support orders, 15230
and the child support enforcement agency, with respect to 15231
administrative child support orders, may determine and include in 15232
an order issued under division (A) of this section that longer 15233
travel times are permissible if residents in part or all of the 15234
service area customarily travel distances farther than thirty 15235
miles or thirty minutes driving time or that primary care services 15236
are accessible only by public transportation. 15237

Sec. 3123.23. (A) The director of job and family services 15238
shall adopt rules under Chapter 119. of the Revised Code to 15239
implement a program to collect arrearages owed under child support 15240
orders from insurance claims, settlements, awards, and payments 15241
based on information obtained pursuant to Title IV-D of the Social 15242
Security Act, 42 U.S.C. 652. 15243

(B) Any insurer and any director, agent, or employee 15244
authorized to act on behalf of an insurer, that releases 15245
information or makes a disclosure in accordance with rules adopted 15246
pursuant to this section shall be immune from liability in a civil 15247

action for harm resulting from the disclosure. 15248

(C) As used in this section, "insurer" has the same meaning 15249

as in section 3901.32 of the Revised Code. 15250

Sec. 3125.12. Each child support enforcement agency shall 15251
enter into a plan of cooperation with the board of county 15252
commissioners under section 307.983 of the Revised Code and comply 15253
with each ~~fiscal~~ grant agreement the board enters into under 15254
~~section~~ sections 307.98 and 5101.21 and contracts the board enters 15255
into under sections 307.981 and 307.982 of the Revised Code that 15256
affect the agency. 15257

Sec. 3301.0711. (A) The department of education shall: 15258

(1) Annually furnish to, grade, and score all tests required 15259
by section 3301.0710 of the Revised Code to be administered by 15260
city, local, exempted village, and joint vocational school 15261
districts, except that each district shall score any test 15262
administered pursuant to division (B)(10) of this section. Each 15263
test so furnished shall include the data verification code of the 15264
student to whom the test will be administered, as assigned 15265
pursuant to division (D)(2) of section 3301.0714 of the Revised 15266
Code. In furnishing the practice versions of Ohio graduation tests 15267
prescribed by division (F) of section 3301.0710 of the Revised 15268
Code, the department shall make the tests available on its web 15269
site for reproduction by districts. In awarding contracts for 15270
grading tests, the department shall give preference to Ohio-based 15271
entities employing Ohio residents. 15272

(2) Adopt rules for the ethical use of tests and prescribing 15273
the manner in which the tests prescribed by section 3301.0710 of 15274
the Revised Code shall be administered to students. 15275

(B) Except as provided in divisions (C) and (J) of this 15276
section, the board of education of each city, local, and exempted 15277

village school district shall, in accordance with rules adopted	15278
under division (A) of this section:	15279
(1) Administer the reading test prescribed under division	15280
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually	15281
to all students in the third grade who have not attained the score	15282
designated for that test under division (A)(2)(c) of section	15283
3301.0710 of the Revised Code.	15284
(2) Administer the mathematics test prescribed under division	15285
(A)(1)(a) of section 3301.0710 of the Revised Code at least once	15286
annually to all students in the third grade.	15287
(3) Administer the tests prescribed under division (A)(1)(b)	15288
of section 3301.0710 of the Revised Code at least once annually to	15289
all students in the fourth grade.	15290
(4) Administer the tests prescribed under division (A)(1)(c)	15291
of section 3301.0710 of the Revised Code at least once annually to	15292
all students in the fifth grade.	15293
(5) Administer the tests prescribed under division (A)(1)(d)	15294
of section 3301.0710 of the Revised Code at least once annually to	15295
all students in the sixth grade.	15296
(6) Administer the tests prescribed under division (A)(1)(e)	15297
of section 3301.0710 of the Revised Code at least once annually to	15298
all students in the seventh grade.	15299
(7) Administer the tests prescribed under division (A)(1)(f)	15300
of section 3301.0710 of the Revised Code at least once annually to	15301
all students in the eighth grade.	15302
(8) Except as provided in division (B)(9) of this section,	15303
administer any test prescribed under division (B) of section	15304
3301.0710 of the Revised Code as follows:	15305
(a) At least once annually to all tenth grade students and at	15306
least twice annually to all students in eleventh or twelfth grade	15307

who have not yet attained the score on that test designated under 15308
that division; 15309

(b) To any person who has successfully completed the 15310
curriculum in any high school or the individualized education 15311
program developed for the person by any high school pursuant to 15312
section 3323.08 of the Revised Code but has not received a high 15313
school diploma and who requests to take such test, at any time 15314
such test is administered in the district. 15315

(9) In lieu of the board of education of any city, local, or 15316
exempted village school district in which the student is also 15317
enrolled, the board of a joint vocational school district shall 15318
administer any test prescribed under division (B) of section 15319
3301.0710 of the Revised Code at least twice annually to any 15320
student enrolled in the joint vocational school district who has 15321
not yet attained the score on that test designated under that 15322
division. A board of a joint vocational school district may also 15323
administer such a test to any student described in division 15324
(B)(8)(b) of this section. 15325

(10) If the district has been declared to be under an 15326
academic watch or in a state of academic emergency pursuant to 15327
section 3302.03 of the Revised Code or has a three-year average 15328
graduation rate of not more than seventy-five per cent, administer 15329
each test prescribed by division (F) of section 3301.0710 of the 15330
Revised Code in September to all ninth grade students, beginning 15331
in the school year that starts July 1, 2005. 15332

(C)(1)(a) Any student receiving special education services 15333
under Chapter 3323. of the Revised Code may be excused from taking 15334
any particular test required to be administered under this section 15335
if the individualized education program developed for the student 15336
pursuant to section 3323.08 of the Revised Code excuses the 15337
student from taking that test and instead specifies an alternate 15338
assessment method approved by the department of education as 15339

conforming to requirements of federal law for receipt of federal 15340
funds for disadvantaged pupils. To the extent possible, the 15341
individualized education program shall not excuse the student from 15342
taking a test unless no reasonable accommodation can be made to 15343
enable the student to take the test. 15344

(b) Any alternate assessment approved by the department for a 15345
student under this division shall produce measurable results 15346
comparable to those produced by the tests which the alternate 15347
assessments are replacing in order to allow for the student's 15348
assessment results to be included in the data compiled for a 15349
school district or building under section 3302.03 of the Revised 15350
Code. 15351

(c) Any student enrolled in a chartered nonpublic school who 15352
has been identified, based on an evaluation conducted in 15353
accordance with section 3323.03 of the Revised Code or section 504 15354
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 15355
794, as amended, as a child with a disability shall be excused 15356
from taking any particular test required to be administered under 15357
this section if a plan developed for the student pursuant to rules 15358
adopted by the state board excuses the student from taking that 15359
test. In the case of any student so excused from taking a test, 15360
the chartered nonpublic school shall not prohibit the student from 15361
taking the test. 15362

(2) A district board may, for medical reasons or other good 15363
cause, excuse a student from taking a test administered under this 15364
section on the date scheduled, but any such test shall be 15365
administered to such excused student not later than nine days 15366
following the scheduled date. The board shall annually report the 15367
number of students who have not taken one or more of the tests 15368
required by this section to the state board of education not later 15369
than the thirtieth day of June. 15370

(3) As used in this division, "limited English proficient 15371

student" has the same meaning as in 20 U.S.C. 7801. 15372

No school district board shall excuse any limited English 15373
proficient student from taking any particular test required to be 15374
administered under this section, except that any limited English 15375
proficient student who has been enrolled in United States schools 15376
for less than one full school year shall not be required to take 15377
any such reading or writing test. However, no board shall prohibit 15378
a limited English proficient student who is not required to take a 15379
test under this division from taking the test. A board may permit 15380
any limited English proficient student to take any test required 15381
to be administered under this section with appropriate 15382
accommodations, as determined by the department. For each limited 15383
English proficient student, each school district shall annually 15384
assess that student's progress in learning English, in accordance 15385
with procedures approved by the department. 15386

The governing authority of a chartered nonpublic school may 15387
excuse a limited English proficient student from taking any test 15388
administered under this section. However, no governing authority 15389
shall prohibit a limited English proficient student from taking 15390
the test. 15391

(D)(1) In the school year next succeeding the school year in 15392
which the tests prescribed by division (A)(1) or (B) of section 15393
3301.0710 of the Revised Code or former division (A)(1), (A)(2), 15394
or (B) of section 3301.0710 of the Revised Code as it existed 15395
prior to September 11, 2001, are administered to any student, the 15396
board of education of any school district in which the student is 15397
enrolled in that year shall provide to the student intervention 15398
services commensurate with the student's test performance, 15399
including any intensive intervention required under section 15400
3313.608 of the Revised Code, in any skill in which the student 15401
failed to demonstrate at least a score at the proficient level on 15402
the test. 15403

(2) Following any administration of the tests prescribed by 15404
division (F) of section 3301.0710 of the Revised Code to ninth 15405
grade students, each school district that has a three-year average 15406
graduation rate of not more than seventy-five per cent shall 15407
determine for each high school in the district whether the school 15408
shall be required to provide intervention services to any students 15409
who took the tests. In determining which high schools shall 15410
provide intervention services based on the resources available, 15411
the district shall consider each school's graduation rate and 15412
scores on the practice tests. The district also shall consider the 15413
scores received by ninth grade students on the reading and 15414
mathematics tests prescribed under division (A)(1)(f) of section 15415
3301.0710 of the Revised Code in the eighth grade in determining 15416
which high schools shall provide intervention services. 15417

Each high school selected to provide intervention services 15418
under this division shall provide intervention services to any 15419
student whose test results indicate that the student is failing to 15420
make satisfactory progress toward being able to attain scores at 15421
the proficient level on the Ohio graduation tests. Intervention 15422
services shall be provided in any skill in which a student 15423
demonstrates unsatisfactory progress and shall be commensurate 15424
with the student's test performance. Schools shall provide the 15425
intervention services prior to the end of the school year, during 15426
the summer following the ninth grade, in the next succeeding 15427
school year, or at any combination of those times. 15428

(E) Except as provided in section 3313.608 of the Revised 15429
Code and division (M) of this section, no school district board of 15430
education shall utilize any student's failure to attain a 15431
specified score on any test administered under this section as a 15432
factor in any decision to deny the student promotion to a higher 15433
grade level. However, a district board may choose not to promote 15434
to the next grade level any student who does not take any test 15435

administered under this section or make up such test as provided 15436
by division (C)(2) of this section and who is not exempt from the 15437
requirement to take the test under division (C)(3) of this 15438
section. 15439

(F) No person shall be charged a fee for taking any test 15440
administered under this section. 15441

(G)(1) Each school district board shall ~~submit~~ designate one 15442
location for the collection of tests administered in the spring 15443
under division (B)(1) of this section and the tests administered 15444
under divisions (B)(2) to (7) of this section. Each district board 15445
shall submit the tests to the entity with which the department 15446
contracts for the scoring of the tests as follows: 15447

(a) If the district's total enrollment in grades kindergarten 15448
through twelve during the first full school week of October was 15449
less than two thousand five hundred, not later than the Friday 15450
after the tests are administered, ~~except that;~~ 15451

(b) If the district's total enrollment in grades kindergarten 15452
through twelve during the first full school week of October was 15453
two thousand five hundred or more, but less than seven thousand, 15454
not later than the Monday after the tests are administered; 15455

(c) If the district's total enrollment in grades kindergarten 15456
through twelve during the first full school week of October was 15457
seven thousand or more, not later than the Tuesday after the tests 15458
are administered. 15459

However, any such test that a student takes during the 15460
make-up period described in division (C)(2) of this section shall 15461
be submitted not later than the Friday following the day the 15462
student takes the test. 15463

(2) The department or an entity with which the department 15464
contracts for the scoring of the test shall send to each school 15465
district board a list of the individual test scores of all persons 15466

taking any test prescribed by division (A)(1) or (B) of section 15467
3301.0710 of the Revised Code within sixty days after its 15468
administration, but in no case shall the scores be returned later 15469
than the fifteenth day of June following the administration. For 15470
any tests administered under this section by a joint vocational 15471
school district, the department or entity shall also send to each 15472
city, local, or exempted village school district a list of the 15473
individual test scores of any students of such city, local, or 15474
exempted village school district who are attending school in the 15475
joint vocational school district. 15476

(H) Individual test scores on any tests administered under 15477
this section shall be released by a district board only in 15478
accordance with section 3319.321 of the Revised Code and the rules 15479
adopted under division (A) of this section. No district board or 15480
its employees shall utilize individual or aggregate test results 15481
in any manner that conflicts with rules for the ethical use of 15482
tests adopted pursuant to division (A) of this section. 15483

(I) Except as provided in division (G) of this section, the 15484
department or an entity with which the department contracts for 15485
the scoring of the test shall not release any individual test 15486
scores on any test administered under this section. The state 15487
board of education shall adopt rules to ensure the protection of 15488
student confidentiality at all times. The rules may require the 15489
use of the data verification codes assigned to students pursuant 15490
to division (D)(2) of section 3301.0714 of the Revised Code to 15491
protect the confidentiality of student test scores. 15492

(J) Notwithstanding division (D) of section 3311.52 of the 15493
Revised Code, this section does not apply to the board of 15494
education of any cooperative education school district except as 15495
provided under rules adopted pursuant to this division. 15496

(1) In accordance with rules that the state board of 15497
education shall adopt, the board of education of any city, 15498

exempted village, or local school district with territory in a 15499
cooperative education school district established pursuant to 15500
divisions (A) to (C) of section 3311.52 of the Revised Code may 15501
enter into an agreement with the board of education of the 15502
cooperative education school district for administering any test 15503
prescribed under this section to students of the city, exempted 15504
village, or local school district who are attending school in the 15505
cooperative education school district. 15506

(2) In accordance with rules that the state board of 15507
education shall adopt, the board of education of any city, 15508
exempted village, or local school district with territory in a 15509
cooperative education school district established pursuant to 15510
section 3311.521 of the Revised Code shall enter into an agreement 15511
with the cooperative district that provides for the administration 15512
of any test prescribed under this section to both of the 15513
following: 15514

(a) Students who are attending school in the cooperative 15515
district and who, if the cooperative district were not 15516
established, would be entitled to attend school in the city, 15517
local, or exempted village school district pursuant to section 15518
3313.64 or 3313.65 of the Revised Code; 15519

(b) Persons described in division (B)(8)(b) of this section. 15520

Any testing of students pursuant to such an agreement shall 15521
be in lieu of any testing of such students or persons pursuant to 15522
this section. 15523

(K)(1) Any chartered nonpublic school may participate in the 15524
testing program by administering any of the tests prescribed by 15525
section 3301.0710 or 3301.0712 of the Revised Code if the chief 15526
administrator of the school specifies which tests the school 15527
wishes to administer. Such specification shall be made in writing 15528
to the superintendent of public instruction prior to the first day 15529

of August of any school year in which tests are administered and 15530
shall include a pledge that the nonpublic school will administer 15531
the specified tests in the same manner as public schools are 15532
required to do under this section and rules adopted by the 15533
department. 15534

(2) The department of education shall furnish the tests 15535
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 15536
to any chartered nonpublic school electing to participate under 15537
this division. 15538

(L)(1) The superintendent of the state school for the blind 15539
and the superintendent of the state school for the deaf shall 15540
administer the tests described by section 3301.0710 of the Revised 15541
Code. Each superintendent shall administer the tests in the same 15542
manner as district boards are required to do under this section 15543
and rules adopted by the department of education and in conformity 15544
with division (C)(1)(a) of this section. 15545

(2) The department of education shall furnish the tests 15546
described by section 3301.0710 of the Revised Code to each 15547
superintendent. 15548

(M) Notwithstanding division (E) of this section, a school 15549
district may use a student's failure to attain a score in at least 15550
the basic range on the mathematics test described by division 15551
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 15552
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 15553
of section 3301.0710 of the Revised Code as a factor in retaining 15554
that student in the current grade level. 15555

(N)(1) In the manner specified in divisions (N)(3) to (5) of 15556
this section, the tests required by section 3301.0710 of the 15557
Revised Code shall become public records pursuant to section 15558
149.43 of the Revised Code on the first day of July following the 15559
school year that the test was administered. 15560

(2) The department may field test proposed test questions 15561
with samples of students to determine the validity, reliability, 15562
or appropriateness of test questions for possible inclusion in a 15563
future year's test. The department also may use anchor questions 15564
on tests to ensure that different versions of the same test are of 15565
comparable difficulty. 15566

Field test questions and anchor questions shall not be 15567
considered in computing test scores for individual students. Field 15568
test questions and anchor questions may be included as part of the 15569
administration of any test required by section 3301.0710 of the 15570
Revised Code. 15571

(3) Any field test question or anchor question administered 15572
under division (N)(2) of this section shall not be a public 15573
record. Such field test questions and anchor questions shall be 15574
redacted from any tests which are released as a public record 15575
pursuant to division (N)(1) of this section. 15576

(4) This division applies to the tests prescribed by division 15577
(A) of section 3301.0710 of the Revised Code. 15578

(a) The first administration of each test, as specified in 15579
section 3301.0712 of the Revised Code, shall be a public record. 15580

(b) For subsequent administrations of each test, not less 15581
than forty per cent of the questions on the test that are used to 15582
compute a student's score shall be a public record. The department 15583
shall determine which questions will be needed for reuse on a 15584
future test and those questions shall not be public records and 15585
shall be redacted from the test prior to its release as a public 15586
record. However, for each redacted question, the department shall 15587
inform each city, local, and exempted village school district of 15588
the statewide academic standard adopted by the state board of 15589
education under section 3301.079 of the Revised Code and the 15590
corresponding benchmark to which the question relates. The 15591

preceding sentence does not apply to field test questions that are 15592
redacted under division (N)(3) of this section. 15593

(5) Each test prescribed by division (B) of section 3301.0710 15594
of the Revised Code that is administered in the spring shall be a 15595
public record. Each test prescribed by that division that is 15596
administered in the fall or summer shall not be a public record. 15597

(0) As used in this section: 15598

(1) "Three-year average" means the average of the most recent 15599
consecutive three school years of data. 15600

(2) "Dropout" means a student who withdraws from school 15601
before completing course requirements for graduation and who is 15602
not enrolled in an education program approved by the state board 15603
of education or an education program outside the state. "Dropout" 15604
does not include a student who has departed the country. 15605

(3) "Graduation rate" means the ratio of students receiving a 15606
diploma to the number of students who entered ninth grade four 15607
years earlier. Students who transfer into the district are added 15608
to the calculation. Students who transfer out of the district for 15609
reasons other than dropout are subtracted from the calculation. If 15610
a student who was a dropout in any previous year returns to the 15611
same school district, that student shall be entered into the 15612
calculation as if the student had entered ninth grade four years 15613
before the graduation year of the graduating class that the 15614
student joins. 15615

Sec. 3301.0714. (A) The state board of education shall adopt 15616
rules for a statewide education management information system. The 15617
rules shall require the state board to establish guidelines for 15618
the establishment and maintenance of the system in accordance with 15619
this section and the rules adopted under this section. The 15620
guidelines shall include: 15621

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;	15622 15623 15624
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	15625 15626 15627
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	15628 15629
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section.	15630 15631
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	15632 15633 15634
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	15635 15636 15637
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for handicapped students, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of handicap. The categories of instructional services required by the guidelines under this	15638 15639 15640 15641 15642 15643 15644 15645 15646 15647 15648 15649 15650 15651 15652

division shall be the same as the categories of instructional	15653
services used in determining cost units pursuant to division	15654
(C)(3) of this section.	15655
(b) The numbers of students receiving support or	15656
extracurricular services for each of the support services or	15657
extracurricular programs offered by the school district, such as	15658
counseling services, health services, and extracurricular sports	15659
and fine arts programs. The categories of services required by the	15660
guidelines under this division shall be the same as the categories	15661
of services used in determining cost units pursuant to division	15662
(C)(4)(a) of this section.	15663
(c) Average student grades in each subject in grades nine	15664
through twelve;	15665
(d) Academic achievement levels as assessed by the testing of	15666
student achievement under sections 3301.0710 and 3301.0711 of the	15667
Revised Code;	15668
(e) The number of students designated as having a	15669
handicapping condition pursuant to division (C)(1) of section	15670
3301.0711 of the Revised Code;	15671
(f) The numbers of students reported to the state board	15672
pursuant to division (C)(2) of section 3301.0711 of the Revised	15673
Code;	15674
(g) Attendance rates and the average daily attendance for the	15675
year. For purposes of this division, a student shall be counted as	15676
present for any field trip that is approved by the school	15677
administration.	15678
(h) Expulsion rates;	15679
(i) Suspension rates;	15680
(j) The percentage of students receiving corporal punishment;	15681
(k) Dropout rates;	15682

(l) Rates of retention in grade;	15683
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	15684 15685 15686
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	15687 15688 15689 15690 15691
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	15692 15693 15694 15695 15696 15697 15698
(2) Personnel and classroom enrollment data for each school district, including:	15699 15700
(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.	15701 15702 15703 15704 15705 15706 15707 15708 15709 15710
(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	15711 15712 15713

total numbers of licensed employees and nonlicensed employees and 15714
the numbers of full-time equivalent licensed employees and 15715
nonlicensed employees providing each category used pursuant to 15716
division (C)(4)(c) of this section. The guidelines adopted under 15717
this section shall require these categories of data to be 15718
maintained for the school district as a whole and, wherever 15719
applicable, for each grade in the school district as a whole, for 15720
each school building as a whole, and for each grade in each school 15721
building. 15722

(c) The total number of regular classroom teachers teaching 15723
classes of regular education and the average number of pupils 15724
enrolled in each such class, in each of grades kindergarten 15725
through five in the district as a whole and in each school 15726
building in the school district. 15727

(d) The number of master teachers employed by each school 15728
district and each school building, once a definition of master 15729
teacher has been developed by the educator standards board 15730
pursuant to section 3319.61 of the Revised Code. 15731

(3)(a) Student demographic data for each school district, 15732
including information regarding the gender ratio of the school 15733
district's pupils, the racial make-up of the school district's 15734
pupils, the number of limited English proficient students in the 15735
district, and an appropriate measure of the number of the school 15736
district's pupils who reside in economically disadvantaged 15737
households. The demographic data shall be collected in a manner to 15738
allow correlation with data collected under division (B)(1) of 15739
this section. Categories for data collected pursuant to division 15740
(B)(3) of this section shall conform, where appropriate, to 15741
standard practices of agencies of the federal government. 15742

(b) With respect to each student entering kindergarten, 15743
whether the student previously participated in a public preschool 15744
program, a private preschool program, or a head start program, and 15745

the number of years the student participated in each of these 15746
programs. 15747

(4) Any data required to be collected pursuant to federal 15748
law. 15749

(C) The education management information system shall include 15750
cost accounting data for each district as a whole and for each 15751
school building in each school district. The guidelines adopted 15752
under this section shall require the cost data for each school 15753
district to be maintained in a system of mutually exclusive cost 15754
units and shall require all of the costs of each school district 15755
to be divided among the cost units. The guidelines shall require 15756
the system of mutually exclusive cost units to include at least 15757
the following: 15758

(1) Administrative costs for the school district as a whole. 15759
The guidelines shall require the cost units under this division 15760
(C)(1) to be designed so that each of them may be compiled and 15761
reported in terms of average expenditure per pupil in formula ADM 15762
in the school district, as determined pursuant to section 3317.03 15763
of the Revised Code. 15764

(2) Administrative costs for each school building in the 15765
school district. The guidelines shall require the cost units under 15766
this division (C)(2) to be designed so that each of them may be 15767
compiled and reported in terms of average expenditure per 15768
full-time equivalent pupil receiving instructional or support 15769
services in each building. 15770

(3) Instructional services costs for each category of 15771
instructional service provided directly to students and required 15772
by guidelines adopted pursuant to division (B)(1)(a) of this 15773
section. The guidelines shall require the cost units under 15774
division (C)(3) of this section to be designed so that each of 15775
them may be compiled and reported in terms of average expenditure 15776

per pupil receiving the service in the school district as a whole 15777
and average expenditure per pupil receiving the service in each 15778
building in the school district and in terms of a total cost for 15779
each category of service and, as a breakdown of the total cost, a 15780
cost for each of the following components: 15781

(a) The cost of each instructional services category required 15782
by guidelines adopted under division (B)(1)(a) of this section 15783
that is provided directly to students by a classroom teacher; 15784

(b) The cost of the instructional support services, such as 15785
services provided by a speech-language pathologist, classroom 15786
aide, multimedia aide, or librarian, provided directly to students 15787
in conjunction with each instructional services category; 15788

(c) The cost of the administrative support services related 15789
to each instructional services category, such as the cost of 15790
personnel that develop the curriculum for the instructional 15791
services category and the cost of personnel supervising or 15792
coordinating the delivery of the instructional services category. 15793

(4) Support or extracurricular services costs for each 15794
category of service directly provided to students and required by 15795
guidelines adopted pursuant to division (B)(1)(b) of this section. 15796
The guidelines shall require the cost units under division (C)(4) 15797
of this section to be designed so that each of them may be 15798
compiled and reported in terms of average expenditure per pupil 15799
receiving the service in the school district as a whole and 15800
average expenditure per pupil receiving the service in each 15801
building in the school district and in terms of a total cost for 15802
each category of service and, as a breakdown of the total cost, a 15803
cost for each of the following components: 15804

(a) The cost of each support or extracurricular services 15805
category required by guidelines adopted under division (B)(1)(b) 15806
of this section that is provided directly to students by a 15807

licensed employee, such as services provided by a guidance 15808
counselor or any services provided by a licensed employee under a 15809
supplemental contract; 15810

(b) The cost of each such services category provided directly 15811
to students by a nonlicensed employee, such as janitorial 15812
services, cafeteria services, or services of a sports trainer; 15813

(c) The cost of the administrative services related to each 15814
services category in division (C)(4)(a) or (b) of this section, 15815
such as the cost of any licensed or nonlicensed employees that 15816
develop, supervise, coordinate, or otherwise are involved in 15817
administering or aiding the delivery of each services category. 15818

(D)(1) The guidelines adopted under this section shall 15819
require school districts to collect information about individual 15820
students, staff members, or both in connection with any data 15821
required by division (B) or (C) of this section or other reporting 15822
requirements established in the Revised Code. The guidelines may 15823
also require school districts to report information about 15824
individual staff members in connection with any data required by 15825
division (B) or (C) of this section or other reporting 15826
requirements established in the Revised Code. The guidelines shall 15827
not authorize school districts to request social security numbers 15828
of individual students. The guidelines shall prohibit the 15829
reporting under this section of a student's name, address, and 15830
social security number to the state board of education or the 15831
department of education. The guidelines shall also prohibit the 15832
reporting under this section of any personally identifiable 15833
information about any student, except for the purpose of assigning 15834
the data verification code required by division (D)(2) of this 15835
section, to any other person unless such person is employed by the 15836
school district or the information technology center operated 15837
under section 3301.075 of the Revised Code and is authorized by 15838
the district or technology center to have access to such 15839

information or is employed by an entity with which the department 15840
contracts for the scoring of tests administered under section 15841
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 15842
require school districts to provide the social security numbers of 15843
individual staff members. 15844

(2) The guidelines shall provide for each school district or 15845
community school to assign a data verification code that is unique 15846
on a statewide basis over time to each student whose initial Ohio 15847
enrollment is in that district or school and to report all 15848
required individual student data for that student utilizing such 15849
code. The guidelines shall also provide for assigning data 15850
verification codes to all students enrolled in districts or 15851
community schools on the effective date of the guidelines 15852
established under this section. 15853

Individual student data shall be reported to the department 15854
through the information technology centers utilizing the code but, 15855
except as provided in section 3310.11 of the Revised Code, at no 15856
time shall the state board or the department have access to 15857
information that would enable any data verification code to be 15858
matched to personally identifiable student data. 15859

Each school district shall ensure that the data verification 15860
code is included in the student's records reported to any 15861
subsequent school district or community school in which the 15862
student enrolls. Any such subsequent district or school shall 15863
utilize the same identifier in its reporting of data under this 15864
section. 15865

The director of health shall request and receive, pursuant to 15866
sections 3301.0723 and 3701.62 of the Revised Code, a data 15867
verification code for a child who is receiving services under 15868
division (A)(2) of section 3701.61 of the Revised Code. 15869

A school district or community school shall submit to the 15870

eTech Ohio commission the data verification code for each of its 15871
enrolled students who is also enrolled in a course offered through 15872
the clearinghouse established under section 3353.21 of the Revised 15873
Code. 15874

(E) The guidelines adopted under this section may require 15875
school districts to collect and report data, information, or 15876
reports other than that described in divisions (A), (B), and (C) 15877
of this section for the purpose of complying with other reporting 15878
requirements established in the Revised Code. The other data, 15879
information, or reports may be maintained in the education 15880
management information system but are not required to be compiled 15881
as part of the profile formats required under division (G) of this 15882
section or the annual statewide report required under division (H) 15883
of this section. 15884

(F) Beginning with the school year that begins July 1, 1991, 15885
the board of education of each school district shall annually 15886
collect and report to the state board, in accordance with the 15887
guidelines established by the board, the data required pursuant to 15888
this section. A school district may collect and report these data 15889
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 15890

(G) The state board shall, in accordance with the procedures 15891
it adopts, annually compile the data reported by each school 15892
district pursuant to division (D) of this section. The state board 15893
shall design formats for profiling each school district as a whole 15894
and each school building within each district and shall compile 15895
the data in accordance with these formats. These profile formats 15896
shall: 15897

(1) Include all of the data gathered under this section in a 15898
manner that facilitates comparison among school districts and 15899
among school buildings within each school district; 15900

(2) Present the data on academic achievement levels as 15901

assessed by the testing of student achievement maintained pursuant 15902
to division (B)(1)(d) of this section. 15903

(H)(1) The state board shall, in accordance with the 15904
procedures it adopts, annually prepare a statewide report for all 15905
school districts and the general public that includes the profile 15906
of each of the school districts developed pursuant to division (G) 15907
of this section. Copies of the report shall be sent to each school 15908
district. 15909

(2) The state board shall, in accordance with the procedures 15910
it adopts, annually prepare an individual report for each school 15911
district and the general public that includes the profiles of each 15912
of the school buildings in that school district developed pursuant 15913
to division (G) of this section. Copies of the report shall be 15914
sent to the superintendent of the district and to each member of 15915
the district board of education. 15916

(3) Copies of the reports received from the state board under 15917
divisions (H)(1) and (2) of this section shall be made available 15918
to the general public at each school district's offices. Each 15919
district board of education shall make copies of each report 15920
available to any person upon request and payment of a reasonable 15921
fee for the cost of reproducing the report. The board shall 15922
annually publish in a newspaper of general circulation in the 15923
school district, at least twice during the two weeks prior to the 15924
week in which the reports will first be available, a notice 15925
containing the address where the reports are available and the 15926
date on which the reports will be available. 15927

(I) Any data that is collected or maintained pursuant to this 15928
section and that identifies an individual pupil is not a public 15929
record for the purposes of section 149.43 of the Revised Code. 15930

(J) As used in this section: 15931

(1) "School district" means any city, local, exempted 15932

village, or joint vocational school district and, in accordance 15933
with section 3314.17 of the Revised Code, any community school. As 15934
used in division (L) of this section, "school district" also 15935
includes any educational service center or other educational 15936
entity required to submit data using the system established under 15937
this section. 15938

(2) "Cost" means any expenditure for operating expenses made 15939
by a school district excluding any expenditures for debt 15940
retirement except for payments made to any commercial lending 15941
institution for any loan approved pursuant to section 3313.483 of 15942
the Revised Code. 15943

(K) Any person who removes data from the information system 15944
established under this section for the purpose of releasing it to 15945
any person not entitled under law to have access to such 15946
information is subject to section 2913.42 of the Revised Code 15947
prohibiting tampering with data. 15948

~~(L) Any time the department of education determines that a~~ 15949
~~school district has taken any of the actions described under~~ 15950
~~division (L)(1), (2), or (3) of this section, it shall make a~~ 15951
~~report of the actions of the district, send a copy of the report~~ 15952
~~to the superintendent of such school district, and maintain a copy~~ 15953
~~of the report in its files.~~ 15954

~~(1) The school district fails to meet any deadline~~ 15955
~~established pursuant to this section for the reporting of any data~~ 15956
~~to the education management information system;~~ 15957

~~(2) The school district fails to meet any deadline~~ 15958
~~established pursuant to this section for the correction of any~~ 15959
~~data reported to the education management information system;~~ 15960

~~(3) The school district reports data to the education~~ 15961
~~management information system in a condition, as determined by the~~ 15962
~~department, that indicates that the district did not make a good~~ 15963

~~faith effort in reporting the data to the system.~~ 15964

~~Any report made under this division shall include~~ 15965

~~recommendations for corrective action by the school district.~~ 15966

~~Upon making a report for the first time in a fiscal year, the~~ 15967

~~department shall withhold ten per cent of the total amount due~~ 15968

~~during that fiscal year under Chapter 3317. of the Revised Code to~~ 15969

~~the school district to which the report applies. Upon making a~~ 15970

~~second report in a fiscal year, the department shall withhold an~~ 15971

~~additional twenty per cent of such total amount due during that~~ 15972

~~fiscal year to the school district to which the report applies.~~ 15973

~~The department shall not release such funds unless it determines~~ 15974

~~that the district has taken corrective action. However, no such~~ 15975

~~release of funds shall occur if the district fails to take~~ 15976

~~corrective action within forty five days of the date upon which~~ 15977

~~the report was made by the department.~~ 15978

(1) In accordance with division (L)(2) of this section, the 15979

department of education may sanction any school district that 15980

reports incomplete or inaccurate data, reports data that does not 15981

conform to data requirements and descriptions published by the 15982

department, fails to report data in a timely manner, or otherwise 15983

does not make a good faith effort to report data as required by 15984

this section. 15985

(2) If the department decides to sanction a school district 15986

under this division, the department shall take the following 15987

sequential actions: 15988

(a) Notify the district in writing that the department has 15989

determined that data has not been reported as required under this 15990

section and require the district to review its data submission and 15991

submit corrected data by a deadline established by the department. 15992

The department also may require the district to develop a 15993

corrective action plan, which shall include provisions for the 15994

<u>district to provide mandatory staff training on data reporting</u>	15995
<u>procedures.</u>	15996
<u>(b) Withhold up to ten per cent of the total amount due to</u>	15997
<u>the district under Chapter 3317. of the Revised Code for the</u>	15998
<u>current fiscal year and, if not previously required under division</u>	15999
<u>(L)(2)(a) of this section, require the district to develop a</u>	16000
<u>corrective action plan in accordance with that division;</u>	16001
<u>(c) Withhold an additional amount of up to twenty per cent of</u>	16002
<u>the total amount due to the district under Chapter 3317. of the</u>	16003
<u>Revised Code for the current fiscal year;</u>	16004
<u>(d) Direct department staff or an outside entity to</u>	16005
<u>investigate the district's data reporting practices and make</u>	16006
<u>recommendations for subsequent actions. The recommendations may</u>	16007
<u>include one or more of the following actions:</u>	16008
<u>(i) Arrange for an audit of the district's data reporting</u>	16009
<u>practices by department staff or an outside entity;</u>	16010
<u>(ii) Conduct a site visit and evaluation of the district;</u>	16011
<u>(iii) Withhold an additional amount of up to thirty per cent</u>	16012
<u>of the total amount due to the district under Chapter 3317. of the</u>	16013
<u>Revised Code for the current fiscal year;</u>	16014
<u>(iv) Continue monitoring the district's data reporting;</u>	16015
<u>(v) Assign department staff to supervise the district's data</u>	16016
<u>management system;</u>	16017
<u>(vi) Conduct an investigation to determine whether to suspend</u>	16018
<u>or revoke the license of any district employee in accordance with</u>	16019
<u>division (N) of this section;</u>	16020
<u>(vii) If the district is issued a report card under section</u>	16021
<u>3302.03 of the Revised Code, indicate on the report card that the</u>	16022
<u>district has been sanctioned for failing to report data as</u>	16023
<u>required by this section;</u>	16024

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 16025
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(ix) Any other action designed to correct the district's data reporting problems. 16030
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(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files. 16032
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(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section. 16038
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(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a 16050
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district has not made a good faith effort to report data as 16057
required by this section, the district shall reimburse the 16058
department for the full cost of the audit. The department may 16059
withhold funds due to the district under Chapter 3317. of the 16060
Revised Code for this purpose. 16061

(6) Prior to issuing a revised report card for a school 16062
district under division (L)(2)(d)(viii) of this section, the 16063
department may hold a hearing to provide the district with an 16064
opportunity to demonstrate that it made a good faith effort to 16065
report data as required by this section. The hearing shall be 16066
conducted by a referee appointed by the department. Based on the 16067
information provided in the hearing, the referee shall recommend 16068
whether the department should issue a revised report card for the 16069
district. If the referee affirms the department's contention that 16070
the district did not make a good faith effort to report data as 16071
required by this section, the district shall bear the full cost of 16072
conducting the hearing and of issuing any revised report card. 16073

(7) If the department determines that any inaccurate data 16074
reported under this section caused a school district to receive 16075
excess funds under Chapter 3317. of the Revised Code in any fiscal 16076
year, the district shall reimburse the department an amount equal 16077
to the excess funds, in accordance with a payment schedule 16078
determined by the department. The department may withhold funds 16079
due to the district under Chapter 3317. of the Revised Code for 16080
this purpose. 16081

(8) Any school district that has funds withheld under 16082
division (L)(2) of this section may appeal the withholding in 16083
accordance with Chapter 119. of the Revised Code. 16084

(9) In all cases of a disagreement between the department and 16085
a school district regarding the appropriateness of an action taken 16086
under division (L)(2) of this section, the burden of proof shall 16087
be on the district to demonstrate that it made a good faith effort 16088

to report data as required by this section. 16089

(M) No information technology center or school district shall 16090
acquire, change, or update its student administration software 16091
package to manage and report data required to be reported to the 16092
department unless it converts to a student software package that 16093
is certified by the department. 16094

(N) The state board of education, in accordance with sections 16095
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 16096
license as defined under division (A) of section 3319.31 of the 16097
Revised Code that has been issued to any school district employee 16098
found to have willfully reported erroneous, inaccurate, or 16099
incomplete data to the education management information system. 16100

(O) No person shall release or maintain any information about 16101
any student in violation of this section. Whoever violates this 16102
division is guilty of a misdemeanor of the fourth degree. 16103

(P) The department shall disaggregate the data collected 16104
under division (B)(1)(o) of this section according to the race and 16105
socioeconomic status of the students assessed. No data collected 16106
under that division shall be included on the report cards required 16107
by section 3302.03 of the Revised Code. 16108

(Q) If the department cannot compile any of the information 16109
required by division (C)(5) of section 3302.03 of the Revised Code 16110
based upon the data collected under this section, the department 16111
shall develop a plan and a reasonable timeline for the collection 16112
of any data necessary to comply with that division. 16113

Sec. 3301.0718. (A) After completing the required standards 16114
specified in section 3301.079 of the Revised Code, the state board 16115
of education shall adopt standards and model curricula for 16116
instruction in computer literacy for grades three through twelve 16117
and in fine arts and foreign language for grades kindergarten 16118

through twelve. The 16119

(B) Not later than December 31, 2007, the state board shall 16120
adopt the most recent standards developed by the national 16121
association for sport and physical education for physical 16122
education in grades kindergarten through twelve or shall adopt its 16123
own standards for physical education in those grades. The 16124
department of education shall provide the standards, and any 16125
revisions of the standards, to all school districts and community 16126
schools established under Chapter 3314. of the Revised Code. Any 16127
school district or community school may utilize the standards. 16128

The department shall employ a full-time physical education 16129
coordinator to provide guidance and technical assistance to 16130
districts and community schools in implementing the standards 16131
adopted under this division. The superintendent of public 16132
instruction shall determine that the person employed as 16133
coordinator is qualified for the position, as demonstrated by 16134
possessing an adequate combination of education, license, and 16135
experience. The department shall hire a coordinator not later than 16136
October 31, 2007. 16137

(C) The state board shall not adopt or revise any standards 16138
or curriculum in the area of health ~~or physical education~~ unless, 16139
by concurrent resolution, the standards, curriculum, or revisions 16140
are approved by both houses of the general assembly. Before the 16141
house of representatives or senate votes on a concurrent 16142
resolution approving health ~~or physical education~~ standards, 16143
curriculum, or revisions, its standing committee having 16144
jurisdiction over education legislation shall conduct at least one 16145
public hearing on the standards, curriculum, or revisions. 16146

~~(B)~~(D) The state board shall not adopt a diagnostic 16147
assessment or achievement test for any grade level or subject area 16148
other than those specified in section 3301.079 of the Revised 16149
Code. 16150

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:

(1) The department of education;

(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;

(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.

The notice shall include the school year and, if possible, the actual date the school will close.

(B) The chief administrator of each chartered nonpublic school that closes shall deposit the school's records with either:

(1) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance with the rules of the state board, if applicable;

(2) 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.

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.

Sec. 3301.311. (A) As used in this section, "preschool program" has the same meaning as in section 3301.52 of the Revised Code.

(B)(1) Subject to ~~division (B)(2)~~ divisions (C) and (D) of

this section, ~~after July 1, 2005~~ beginning in fiscal year 2006, no 16180
preschool program, and no early childhood education program or 16181
early learning program as defined by the department of education 16182
shall receive any funds from the state unless fifty per cent of 16183
the staff members employed by that program as teachers are working 16184
toward an associate degree of a type approved by the department. 16185

(C)(1) Subject to division ~~(B)~~(C)(2) of this section, 16186
beginning in fiscal year ~~2008~~ 2010, no preschool program, and no 16187
early childhood education program, or early learning program as 16188
defined by the department, existing prior to fiscal year 2007, 16189
shall receive any funds from the state unless every staff member 16190
employed by that program as a teacher has attained ~~such a~~ an 16191
associate degree of a type approved by the department. 16192

(2) ~~After July 1, 2010~~ Beginning in fiscal year 2011, no 16193
preschool program, and no early childhood education program or 16194
early learning program as defined by the department ~~of education,~~ 16195
existing prior to fiscal year 2007, shall receive any funds from 16196
the state unless fifty per cent of the staff members employed by 16197
the program as teachers have attained a bachelor's degree of a 16198
type approved by the department. 16199

(D)(1) Subject to division (D)(2) of this section, beginning 16200
in fiscal year 2012, no preschool program, and no early childhood 16201
education program or early learning program as defined by the 16202
department, established during or after fiscal year 2007, shall 16203
receive any funds from the state unless every staff member 16204
employed by that program as a teacher has attained an associate 16205
degree of a type approved by the department. 16206

(2) Beginning in fiscal year 2013, no preschool program, and 16207
no early childhood education program or early learning program as 16208
defined by the department, established during or after fiscal year 16209
2007, shall receive any funds from the state unless fifty per cent 16210
of the staff members employed by the program as teachers have 16211

attained a bachelor's degree of a type approved by the department. 16212

Sec. 3301.53. (A) ~~Not later than July 1, 1988, the~~ The state 16213
board of education, in consultation with the director of job and 16214
family services, shall formulate and prescribe by rule adopted 16215
under Chapter 119. of the Revised Code minimum standards to be 16216
applied to preschool programs operated by school district boards 16217
of education, county MR/DD boards, or eligible nonpublic schools. 16218
The rules shall include the following: 16219

(1) Standards ensuring that the preschool program is located 16220
in a safe and convenient facility that accommodates the enrollment 16221
of the program, is of the quality to support the growth and 16222
development of the children according to the program objectives, 16223
and meets the requirements of section 3301.55 of the Revised Code; 16224

(2) Standards ensuring that supervision, discipline, and 16225
programs will be administered according to established objectives 16226
and procedures; 16227

(3) Standards ensuring that preschool staff members and 16228
nonteaching employees are recruited, employed, assigned, 16229
evaluated, and provided inservice education without discrimination 16230
on the basis of age, color, national origin, race, or sex; and 16231
that preschool staff members and nonteaching employees are 16232
assigned responsibilities in accordance with written position 16233
descriptions commensurate with their training and experience; 16234

(4) A requirement that boards of education intending to 16235
establish a preschool program ~~on or after March 17, 1989,~~ 16236
demonstrate a need for a preschool program ~~that is not being met~~ 16237
~~by any existing program providing child care,~~ prior to 16238
establishing the program; 16239

(5) Requirements that children participating in preschool 16240
programs have been immunized to the extent considered appropriate 16241

by the state board to prevent the spread of communicable disease; 16242

(6) Requirements that the parents of preschool children 16243
complete the emergency medical authorization form specified in 16244
section 3313.712 of the Revised Code. 16245

(B) The state board of education in consultation with the 16246
director of job and family services shall ensure that the rules 16247
adopted by the state board under sections 3301.52 to 3301.58 of 16248
the Revised Code are consistent with and meet or exceed the 16249
requirements of Chapter 5104. of the Revised Code with regard to 16250
child day-care centers. The state board and the director of job 16251
and family services shall review all such rules at least once 16252
every five years. 16253

(C) ~~On or before January 1, 1992, the~~ The state board of 16254
education, in consultation with the director of job and family 16255
services, shall adopt rules for school child programs that are 16256
consistent with and meet or exceed the requirements of the rules 16257
adopted for school child day-care centers under Chapter 5104. of 16258
the Revised Code. 16259

Sec. 3302.03. (A) Annually the department of education shall 16260
report for each school district and each school building in a 16261
district all of the following: 16262

(1) The extent to which the school district or building meets 16263
each of the applicable performance indicators created by the state 16264
board of education under section 3302.02 of the Revised Code and 16265
the number of applicable performance indicators that have been 16266
achieved; 16267

(2) The performance index score of the school district or 16268
building; 16269

(3) Whether the school district or building has made adequate 16270
yearly progress; 16271

(4) Whether the school district or building is excellent,	16272
effective, needs continuous improvement, is under an academic	16273
watch, or is in a state of academic emergency.	16274
(B) Except as otherwise provided in division <u>divisions</u> (B)(6)	16275
<u>and (7)</u> of this section:	16276
(1) A school district or building shall be declared excellent	16277
if it fulfills one of the following requirements:	16278
(a) It makes adequate yearly progress and either meets at	16279
least ninety-four per cent of the applicable state performance	16280
indicators or has a performance index score established by the	16281
department.	16282
(b) It has failed to make adequate yearly progress for not	16283
more than two consecutive years and either meets at least	16284
ninety-four per cent of the applicable state performance	16285
indicators or has a performance index score established by the	16286
department.	16287
(2) A school district or building shall be declared effective	16288
if it fulfills one of the following requirements:	16289
(a) It makes adequate yearly progress and either meets at	16290
least seventy-five per cent but less than ninety-four per cent of	16291
the applicable state performance indicators or has a performance	16292
index score established by the department.	16293
(b) It does not make adequate yearly progress and either	16294
meets at least seventy-five per cent of the applicable state	16295
performance indicators or has a performance index score	16296
established by the department, except that if it does not make	16297
adequate yearly progress for three consecutive years, it shall be	16298
declared in need of continuous improvement.	16299
(3) A school district or building shall be declared to be in	16300
need of continuous improvement if it fulfills one of the following	16301

requirements: 16302

(a) It makes adequate yearly progress, meets less than 16303
seventy-five per cent of the applicable state performance 16304
indicators, and has a performance index score established by the 16305
department. 16306

(b) It does not make adequate yearly progress and either 16307
meets at least fifty per cent but less than seventy-five per cent 16308
of the applicable state performance indicators or has a 16309
performance index score established by the department. 16310

(4) A school district or building shall be declared to be 16311
under an academic watch if it does not make adequate yearly 16312
progress and either meets at least thirty-one per cent but less 16313
than fifty per cent of the applicable state performance indicators 16314
or has a performance index score established by the department. 16315

(5) A school district or building shall be declared to be in 16316
a state of academic emergency if it does not make adequate yearly 16317
progress, does not meet at least thirty-one per cent of the 16318
applicable state performance indicators, and has a performance 16319
index score established by the department. 16320

(6) When designating performance ratings for school districts 16321
and buildings under divisions (B)(1) to (5) of this section, the 16322
department shall not assign a school district or building a lower 16323
designation from its previous year's designation based solely on 16324
one subgroup not making adequate yearly progress. 16325

(7) Division (B)(7) of this section does not apply to any 16326
community school established under Chapter 3314. of the Revised 16327
Code in which a majority of the students are enrolled in a dropout 16328
prevention and recovery program. 16329

A school district or building shall not be assigned a higher 16330
performance rating than in need of continuous improvement if at 16331
least ten per cent but not more than fifteen per cent of the 16332

enrolled students do not take all achievement tests prescribed for 16333
their grade level under section 3301.0710 of the Revised Code from 16334
which they are not excused pursuant to division (C)(1) or (3) of 16335
section 3301.0711 of the Revised Code. A school district or 16336
building shall not be assigned a higher performance rating than 16337
under an academic watch if more than fifteen per cent but not more 16338
than twenty per cent of the enrolled students do not take all 16339
achievement tests prescribed for their grade level under section 16340
3301.0710 of the Revised Code from which they are not excused 16341
pursuant to division (C)(1) or (3) of section 3301.0711 of the 16342
Revised Code. A school district or building shall not be assigned 16343
a higher performance rating than in a state of academic emergency 16344
if more than twenty per cent of the enrolled students do not take 16345
all achievement tests prescribed for their grade level under 16346
section 3301.0710 of the Revised Code from which they are not 16347
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 16348
the Revised Code. 16349

(C)(1) The department shall issue annual report cards for 16350
each school district, each building within each district, and for 16351
the state as a whole reflecting performance on the indicators 16352
created by the state board under section 3302.02 of the Revised 16353
Code, the performance index score, and adequate yearly progress. 16354

(2) The department shall include on the report card for each 16355
district information pertaining to any change from the previous 16356
year made by the school district or school buildings within the 16357
district on any performance indicator. 16358

(3) When reporting data on student performance, the 16359
department shall disaggregate that data according to the following 16360
categories: 16361

(a) Performance of students by age group; 16362

(b) Performance of students by race and ethnic group; 16363

(c) Performance of students by gender;	16364
(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	16365 16366
(e) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	16367 16368 16369
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	16370 16371
(g) Performance of students grouped by those who are economically disadvantaged;	16372 16373
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	16374 16375 16376
(i) Performance of students grouped by those who are classified as limited English proficient;	16377 16378
(j) Performance of students grouped by those who have disabilities;	16379 16380
(k) Performance of students grouped by those who are classified as migrants;	16381 16382
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	16383 16384 16385
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.	16386 16387 16388 16389 16390 16391
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any	16392 16393

data statistical in nature that is statistically unreliable or 16394
that could result in the identification of individual students. 16395
For this purpose, the department shall not report student 16396
performance data for any group identified in division (C)(3) of 16397
this section that contains less than ten students. 16398

(4) The department may include with the report cards any 16399
additional education and fiscal performance data it deems 16400
valuable. 16401

(5) The department shall include on each report card a list 16402
of additional information collected by the department that is 16403
available regarding the district or building for which the report 16404
card is issued. When available, such additional information shall 16405
include student mobility data disaggregated by race and 16406
socioeconomic status, college enrollment data, and the reports 16407
prepared under section 3302.031 of the Revised Code. 16408

The department shall maintain a site on the world wide web. 16409
The report card shall include the address of the site and shall 16410
specify that such additional information is available to the 16411
public at that site. The department shall also provide a copy of 16412
each item on the list to the superintendent of each school 16413
district. The district superintendent shall provide a copy of any 16414
item on the list to anyone who requests it. 16415

(6)(a) This division does not apply to conversion community 16416
schools that primarily enroll students between sixteen and 16417
twenty-two years of age who dropped out of high school or are at 16418
risk of dropping out of high school due to poor attendance, 16419
disciplinary problems, or suspensions. 16420

For any district that sponsors a conversion community school 16421
under Chapter 3314. of the Revised Code, the department shall 16422
combine data regarding the academic performance of students 16423
enrolled in the community school with comparable data from the 16424

schools of the district for the purpose of calculating the 16425
performance of the district as a whole on the report card issued 16426
for the district. 16427

(b) Any district that leases a building to a community school 16428
located in the district or that enters into an agreement with a 16429
community school located in the district whereby the district and 16430
the school endorse each other's programs may elect to have data 16431
regarding the academic performance of students enrolled in the 16432
community school combined with comparable data from the schools of 16433
the district for the purpose of calculating the performance of the 16434
district as a whole on the district report card. Any district that 16435
so elects shall annually file a copy of the lease or agreement 16436
with the department. 16437

(7) The department shall include on each report card the 16438
percentage of teachers in the district or building who are highly 16439
qualified, as defined by the "No Child Left Behind Act of 2001," 16440
and a comparison of that percentage with the percentages of such 16441
teachers in similar districts and buildings. 16442

(8) The department shall include on the report card the 16443
number of master teachers employed by each district and each 16444
building once the data is available from the education management 16445
information system established under section 3301.0714 of the 16446
Revised Code; 16447

(9) The department shall display a designation of "Ohio Core 16448
Certified School District" or "Ohio Core Certified Community 16449
School" on the report card for each school district or community 16450
school, respectively, submitting evidence satisfactory to the 16451
department that, in the school year to which the report card 16452
pertains, the district or school both: 16453

(a) Offered all components of the Ohio core curriculum 16454
prescribed in division (C) of section 3313.603 of the Revised Code 16455

for its high school students; 16456

(b) Applied the fine arts education requirement of division 16457
(K) of that section. 16458

The department shall display the designation on report cards 16459
published in 2008 through 2013 for the 2007-2008 through 2012-2013 16460
school years. The department shall list on the web site 16461
established under division (C)(5) of this section the school 16462
districts and community schools designated as Ohio core certified. 16463

(D)(1) In calculating reading, writing, mathematics, social 16464
studies, or science proficiency or achievement test passage rates 16465
used to determine school district or building performance under 16466
this section, the department shall include all students taking a 16467
test with accommodation or to whom an alternate assessment is 16468
administered pursuant to division (C)(1) or (3) of section 16469
3301.0711 of the Revised Code. 16470

(2) In calculating performance index scores, rates of 16471
achievement on the performance indicators established by the state 16472
board under section 3302.02 of the Revised Code, and adequate 16473
yearly progress for school districts and buildings under this 16474
section, the department shall do all of the following: 16475

(a) Include for each district or building only those students 16476
who are included in the ADM certified for the first full school 16477
week of October and are continuously enrolled in the district or 16478
building through the time of the spring administration of any test 16479
prescribed by section 3301.0710 of the Revised Code that is 16480
administered to the student's grade level; 16481

(b) Include cumulative totals from both the fall and spring 16482
administrations of the third grade reading achievement test; 16483

(c) Except as required by the "No Child Left Behind Act of 16484
2001" for the calculation of adequate yearly progress, exclude for 16485
each district or building any limited English proficient student 16486

who has been enrolled in United States schools for less than one 16487
full school year. 16488

Sec. 3302.10. (A) Beginning July 1, 2007, the superintendent 16489
of public instruction shall establish an academic distress 16490
commission for each school district that has been declared to be 16491
in a state of academic emergency pursuant to section 3302.03 of 16492
the Revised Code and has failed to make adequate yearly progress 16493
for four or more consecutive school years. Each commission shall 16494
assist the district for which it was established in improving the 16495
district's academic performance. 16496

Each commission is a body both corporate and politic, 16497
constituting an agency and instrumentality of the state and 16498
performing essential governmental functions of the state. A 16499
commission shall be known as the "academic distress commission for 16500
..... (name of school district)," and, in that name, may 16501
exercise all authority vested in such a commission by this 16502
section. A separate commission shall be established for each 16503
school district to which this division applies. 16504

(B) Each academic distress commission shall consist of five 16505
voting members, three of whom shall be appointed by the 16506
superintendent of public instruction and two of whom shall be 16507
residents of the applicable school district appointed by the 16508
president of the district board of education ~~of the applicable~~ 16509
~~school district~~. When a school district becomes subject to this 16510
section, the superintendent of public instruction shall provide 16511
written notification of that fact to the district board of 16512
education and shall request the president of the district board to 16513
submit to the superintendent of public instruction, in writing, 16514
the names of the president's appointees to the commission. The 16515
superintendent of public instruction and the president of the 16516
district board shall make appointments to the commission within 16517

thirty days after the district is notified that it is subject to 16518
this section. 16519

Members of the commission shall serve at the pleasure of 16520
their appointing authority during the life of the commission. In 16521
the event of the death, resignation, incapacity, removal, or 16522
ineligibility to serve of a member, the appointing authority shall 16523
appoint a successor within fifteen days after the vacancy occurs. 16524
Members shall serve without compensation, but shall be paid by the 16525
commission their necessary and actual expenses incurred while 16526
engaged in the business of the commission. 16527

(C) Immediately after appointment of the initial members of 16528
an academic distress commission, the superintendent of public 16529
instruction shall call the first meeting of the commission and 16530
shall cause written notice of the time, date, and place of that 16531
meeting to be given to each member of the commission at least 16532
forty-eight hours in advance of the meeting. The first meeting 16533
shall include an overview of the commission's roles and 16534
responsibilities, the requirements of section 2921.42 and Chapter 16535
102. of the Revised Code as they pertain to commission members, 16536
the requirements of section 121.22 of the Revised Code, and the 16537
provisions of division (F) of this section. At its first meeting, 16538
the commission shall adopt temporary bylaws in accordance with 16539
division (D) of this section to govern its operations until the 16540
adoption of permanent bylaws. 16541

The superintendent of public instruction shall designate a 16542
chairperson for the commission from among the members appointed by 16543
the superintendent. The chairperson shall call and conduct 16544
meetings, set meeting agendas, and serve as a liaison between the 16545
commission and the district board of education. The chairperson 16546
also shall appoint a secretary, who shall not be a member of the 16547
commission. 16548

The department of education shall provide administrative 16549

support for the commission, provide data requested by the 16550
commission, and inform the commission of available state resources 16551
that could assist the commission in its work. 16552

(D) Each academic distress commission may adopt and alter 16553
bylaws and rules, which shall not be subject to section 111.15 or 16554
Chapter 119. of the Revised Code, for the conduct of its affairs 16555
and for the manner, subject to this section, in which its powers 16556
and functions shall be exercised and embodied. 16557

(E) Three members of an academic distress commission 16558
constitute a quorum of the commission. The affirmative vote of 16559
three members of the commission is necessary for any action taken 16560
by vote of the commission. No vacancy in the membership of the 16561
commission shall impair the rights of a quorum by such vote to 16562
exercise all the rights and perform all the duties of the 16563
commission. Members of the commission are not disqualified from 16564
voting by reason of the functions of any other office they hold 16565
and are not disqualified from exercising the functions of the 16566
other office with respect to the school district, its officers, or 16567
the commission. 16568

(F) The members of an academic distress commission, the 16569
superintendent of public instruction, and any person authorized to 16570
act on behalf of or assist them shall not be personally liable or 16571
subject to any suit, judgment, or claim for damages resulting from 16572
the exercise of or failure to exercise the powers, duties, and 16573
functions granted to them in regard to their functioning under 16574
this section, but the commission, superintendent of public 16575
instruction, and such other persons shall be subject to mandamus 16576
proceedings to compel performance of their duties under this 16577
section. 16578

(G) Each member of an academic distress commission shall file 16579
the statement described in section 102.02 of the Revised Code with 16580
the Ohio ethics commission. The statement shall be confidential. 16581

subject to review, as described in division (B) of that section. 16582

(H) Meetings of each academic distress commission shall be 16583
subject to section 121.22 of the Revised Code. 16584

(I)(1) Within one hundred twenty days after the first meeting 16585
of an academic distress commission, the commission shall adopt an 16586
academic recovery plan to improve academic performance in the 16587
school district. The plan shall address academic problems at both 16588
the district and school levels. The plan shall include the 16589
following: 16590

(a) Short-term and long-term actions to be taken to improve 16591
the district's academic performance, including any actions 16592
required by section 3302.04 of the Revised Code; 16593

(b) The sequence and timing of the actions described in 16594
division (I)(1)(a) of this section and the persons responsible for 16595
implementing the actions; 16596

(c) Resources that will be applied toward improvement 16597
efforts; 16598

(d) Procedures for monitoring and evaluating improvement 16599
efforts; 16600

(e) Requirements for reporting to the commission and the 16601
district board of education on the status of improvement efforts. 16602

(2) The commission may amend the academic recovery plan 16603
subsequent to adoption. The commission shall update the plan at 16604
least annually. 16605

(3) The commission shall submit the academic recovery plan it 16606
adopts or updates to the superintendent of public instruction for 16607
approval immediately following its adoption or updating. The 16608
superintendent shall evaluate the plan and either approve or 16609
disapprove it within thirty days after its submission. If the plan 16610
is disapproved, the superintendent shall recommend modifications 16611

that will render it acceptable. No academic distress commission 16612
shall implement an academic recovery plan unless the 16613
superintendent has approved it. 16614

(4) County, state, and school district officers and employees 16615
shall assist the commission diligently and promptly in the 16616
implementation of the academic recovery plan. 16617

(J) Each academic distress commission shall seek input from 16618
the district board of education regarding ways to improve the 16619
district's academic performance, but any decision of the 16620
commission related to any authority granted to the commission 16621
under this section shall be final. 16622

The commission may do any of the following: 16623

(1) Appoint school building administrators and reassign 16624
administrative personnel; 16625

(2) Terminate the contracts of administrators or 16626
administrative personnel. The commission shall not be required to 16627
comply with section 3319.16 of the Revised Code with respect to 16628
any contract terminated under this division. 16629

(3) Contract with a private entity to perform school or 16630
district management functions; 16631

(4) Establish a budget for the district and approve district 16632
appropriations and expenditures, unless a financial planning and 16633
supervision commission has been established for the district 16634
pursuant to section 3316.05 of the Revised Code. 16635

~~(D)~~(K) If the board of education of a district for which an 16636
academic distress commission has been established under this 16637
section renews any collective bargaining agreement under Chapter 16638
4117. of the Revised Code during the existence of the commission, 16639
the district board shall not enter into any agreement that would 16640
render any decision of the commission unenforceable. Section 16641

3302.08 of the Revised Code does not apply to this division. 16642

Notwithstanding any provision to the contrary in Chapter 16643
4117. of the Revised Code, if the board of education has entered 16644
into a collective bargaining agreement after ~~the effective date of~~ 16645
~~this section~~ September 29, 2005, that contains stipulations 16646
relinquishing one or more of the rights or responsibilities listed 16647
in division (C) of section 4117.08 of the Revised Code, those 16648
stipulations are not enforceable and the district board shall 16649
resume holding those rights or responsibilities as if it had not 16650
relinquished them in that agreement until such time as both the 16651
academic distress commission ceases to exist and the district 16652
board agrees to relinquish those rights or responsibilities in a 16653
new collective bargaining agreement. The provisions of this 16654
paragraph apply to a collective bargaining agreement entered into 16655
after ~~the effective date of this section~~ September 29, 2005, and 16656
those provisions are deemed to be part of that agreement 16657
regardless of whether the district satisfied the conditions 16658
prescribed in division (A) of this section at the time the 16659
district entered into that agreement. 16660

~~(E)~~(L) An academic distress commission shall cease to exist 16661
when the district for which it was established receives a 16662
performance rating under section 3302.03 of the Revised Code of in 16663
need of continuous improvement or better for two ~~out~~ of the three 16664
prior school years; however, the superintendent of public 16665
instruction may dissolve the commission earlier if the 16666
superintendent determines that the district can perform adequately 16667
without the supervision of the commission. Upon termination of the 16668
commission, the department of education shall compile a final 16669
report of the commission's activities to assist other academic 16670
distress commissions in the conduct of their functions. 16671

Sec. 3303.20. The superintendent of public instruction shall 16672

appoint a supervisor of agricultural education within the 16673
department of education. The supervisor shall be responsible for 16674
administering and disseminating to school districts information 16675
about agricultural education. 16676

The department shall maintain an appropriate number of 16677
full-time employees focusing on agricultural education. The 16678
department shall employ at least three program consultants who 16679
shall be available to provide assistance to school districts on a 16680
regional basis throughout the state. At least one consultant may 16681
coordinate local activities of the student organization known as 16682
the future farmers of America. 16683

Sec. 3311.24. (A)(1) Except as provided in division (B) of 16684
this section, ~~if~~ the board of education of a city, exempted 16685
village, or local school district ~~deems it advisable~~ shall file 16686
with the state board of education a proposal to transfer territory 16687
from such district to an adjoining city, exempted village, or 16688
local school district, ~~or if a~~ in any of the following 16689
circumstances: 16690

(a) The district board deems the transfer advisable; 16691

(b) A petition, signed by seventy-five per cent of the 16692
qualified electors residing within that portion of a city, 16693
exempted village, or local school district proposed to be 16694
transferred voting at the last general election, requests such a 16695
transfer, ~~the;~~ 16696

(c) If no qualified electors reside in that portion of the 16697
district proposed to be transferred, a petition, signed by 16698
seventy-five per cent of the owners of parcels of real property on 16699
the tax duplicate within that portion of the district, requests 16700
such a transfer. 16701

(2) The board of education of the district in which such 16702

proposal originates shall file such proposal, together with a map 16703
showing the boundaries of the territory proposed to be 16704
transferred, with the state board of education prior to the first 16705
day of April in any even-numbered year. The state board of 16706
education may, if it is advisable, provide for a hearing in any 16707
suitable place in any of the school districts affected by such 16708
proposed transfer of territory. The state board of education or 16709
its representatives shall preside at any such hearing. 16710

(3) A board of education of a city, exempted village, or 16711
local school district that receives a petition of transfer signed 16712
by electors of the district under ~~this~~ division (A)(1)(b) of this 16713
section shall cause the board of elections to check the 16714
sufficiency of signatures on the petition. A board of education of 16715
a city, exempted village, or local school district that receives a 16716
petition of transfer signed by owners of parcels of real property 16717
under division (A)(1)(c) of this section shall cause the county 16718
auditor to check the sufficiency of signatures on the petition. 16719

(4) Not later than the first day of September the state board 16720
of education shall either approve or disapprove a proposed 16721
transfer of territory filed with it as provided by this section 16722
and shall notify, in writing, the boards of education of the 16723
districts affected by such proposed transfer of territory of its 16724
decision. 16725

If the decision of the state board of education is an 16726
approval of the proposed transfer of territory then the board of 16727
education of the district in which the territory is located shall, 16728
within thirty days after receiving the state board of education's 16729
decision, adopt a resolution transferring the territory and shall 16730
forthwith submit a copy of such resolution to the treasurer of the 16731
board of education of the city, exempted village, or local school 16732
district to which the territory is transferred. Such transfer 16733
shall not be complete however, until: 16734

~~(1)~~(a) A resolution accepting the transfer has been passed by 16735
a majority vote of the full membership of the board of education 16736
of the city, exempted village, or local school district to which 16737
the territory is transferred; 16738

~~(2)~~(b) An equitable division of the funds and indebtedness 16739
between the districts involved has been made by the board of 16740
education making the transfer; 16741

~~(3)~~(c) A map showing the boundaries of the territory 16742
transferred has been filed, by the board of education accepting 16743
the transfer, with the county auditor of each county affected by 16744
the transfer. 16745

When such transfer is complete the legal title of the school 16746
property in the territory transferred shall be vested in the board 16747
of education or governing board of the school district to which 16748
the territory is transferred. 16749

(B) Whenever the transfer of territory pursuant to this 16750
section is initiated by a board of education, the board shall, 16751
before filing a proposal for transfer with the state board of 16752
education under this section, make a good faith effort to 16753
negotiate the terms of transfer with any other school district 16754
whose territory would be affected by the transfer. Before the 16755
state board may hold a hearing on the transfer, or approve or 16756
disapprove any such transfer, it must receive the following: 16757

(1) A resolution requesting approval of the transfer, passed 16758
by the school district submitting the proposal; 16759

(2) Evidence determined to be sufficient by the state board 16760
to show that good faith negotiations have taken place or that the 16761
district requesting the transfer has made a good faith effort to 16762
hold such negotiations; 16763

(3) If any negotiations took place, a statement signed by all 16764
boards that participated in the negotiations, listing the terms 16765

agreed on and the points on which no agreement could be reached. 16766

Negotiations held pursuant to this section shall be governed 16767
by the rules adopted by the state board under division (D) of 16768
section 3311.06 of the Revised Code. Districts involved in a 16769
transfer under division (B) of this section may agree to share 16770
revenues from the property included in the territory to be 16771
transferred, establish cooperative programs between the 16772
participating districts, and establish mechanisms for the 16773
settlement of any future boundary disputes. 16774

Sec. 3313.603. (A) As used in this section: 16775

(1) "One unit" means a minimum of one hundred twenty hours of 16776
course instruction, except that for a laboratory course, "one 16777
unit" means a minimum of one hundred fifty hours of course 16778
instruction. 16779

(2) "One-half unit" means a minimum of sixty hours of course 16780
instruction, except that for physical education courses, "one-half 16781
unit" means a minimum of one hundred twenty hours of course 16782
instruction. 16783

(B) Beginning September 15, 2001, except as required in 16784
division (C) of this section and division (C) of section 3313.614 16785
of the Revised Code, the requirements for graduation from every 16786
high school shall include twenty units earned in grades nine 16787
through twelve and shall be distributed as follows: 16788

(1) English language arts, four units; 16789

(2) Health, one-half unit; 16790

(3) Mathematics, three units; 16791

(4) Physical education, one-half unit; 16792

(5) Science, two units until September 15, 2003, and three 16793
units thereafter, which at all times shall include both of the 16794

following:	16795
(a) Biological sciences, one unit;	16796
(b) Physical sciences, one unit.	16797
(6) Social studies, three units, which shall include both of	16798
the following:	16799
(a) American history, one-half unit;	16800
(b) American government, one-half unit.	16801
(7) Elective units, seven units until September 15, 2003, and	16802
six units thereafter.	16803
Each student's electives shall include at least one unit, or	16804
two half units, chosen from among the areas of	16805
business/technology, fine arts, and/or foreign language.	16806
(C) Beginning with students who enter ninth grade for the	16807
first time on or after July 1, 2010, except as provided in	16808
divisions (D) to (F) of this section, the requirements for	16809
graduation from every public and chartered nonpublic high school	16810
shall include twenty units that are designed to prepare students	16811
for the workforce and college. The units shall be distributed as	16812
follows:	16813
(1) English language arts, four units;	16814
(2) Health, one-half unit;	16815
(3) Mathematics, four units, which shall include one unit of	16816
algebra II or the equivalent of algebra II;	16817
(4) Physical education, one-half unit;	16818
(5) Science, three units with inquiry-based laboratory	16819
experience that engages students in asking valid scientific	16820
questions and gathering and analyzing information, which shall	16821
include the following, or their equivalent:	16822
(a) Physical sciences, one unit;	16823

(b) Biology <u>Life sciences</u> , one unit;	16824
(c) Advanced study in one or more of the following sciences, one unit:	16825 16826
(i) Chemistry, physics, or other physical science;	16827
(ii) Advanced biology or other life science;	16828
(iii) Astronomy, physical geology, or other earth or space science.	16829 16830
(6) Social studies, three units, which shall include both of the following:	16831 16832
(a) American history, one-half unit;	16833
(b) American government, one-half unit.	16834
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under section 3301.079 of the Revised Code, into one or more existing social studies credits required under division (C)(6) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	16835 16836 16837 16838 16839 16840 16841 16842 16843 16844 16845 16846
(7) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section.	16847 16848 16849 16850 16851
Ohioans must be prepared to apply increased knowledge and skills in the workplace and to adapt their knowledge and skills	16852 16853

quickly to meet the rapidly changing conditions of the 16854
twenty-first century. National studies indicate that all high 16855
school graduates need the same academic foundation, regardless of 16856
the opportunities they pursue after graduation. The goal of Ohio's 16857
system of elementary and secondary education is to prepare all 16858
students for and seamlessly connect all students to success in 16859
life beyond high school graduation, regardless of whether the next 16860
step is entering the workforce, beginning an apprenticeship, 16861
engaging in post-secondary training, serving in the military, or 16862
pursuing a college degree. 16863

The Ohio core curriculum is the standard expectation for all 16864
students entering ninth grade for the first time at a public or 16865
chartered nonpublic high school on or after July 1, 2010. A 16866
student may satisfy this expectation through a variety of methods, 16867
including, but not limited to, integrated, applied, 16868
career-technical, and traditional coursework. 16869

Whereas teacher quality is essential for student success in 16870
completing the Ohio core curriculum, the general assembly shall 16871
appropriate funds for strategic initiatives designed to strengthen 16872
schools' capacities to hire and retain highly qualified teachers 16873
in the subject areas required by the curriculum. Such initiatives 16874
are expected to require an investment of \$120,000,000 over five 16875
years. 16876

Stronger coordination between high schools and institutions 16877
of higher education is necessary to prepare students for more 16878
challenging academic endeavors and to lessen the need for academic 16879
remediation in college, thereby reducing the costs of higher 16880
education for Ohio's students, families, and the state. The state 16881
board of education, the Ohio board of regents, and the partnership 16882
for continued learning shall develop policies to ensure that only 16883
in rare instances will students who complete the Ohio core 16884
curriculum require academic remediation after high school. 16885

School districts, community schools, and chartered nonpublic schools shall integrate technology into learning experiences whenever practicable across the curriculum in order to maximize efficiency, enhance learning, and prepare students for success in the technology-driven twenty-first century. Districts and schools may use distance and web-based course delivery as a method of providing or augmenting all instruction required under this division, including laboratory experience in science. Districts and schools shall whenever practicable utilize technology access and electronic learning opportunities provided by the eTech Ohio commission, the Ohio learning network, education technology centers, public television stations, and other public and private providers.

(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2014, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the Ohio core curriculum prescribed in division (C) of this section if all of the following conditions are satisfied:

(1) After the student has attended high school for two years, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section.

(3) The student and the student's parent, guardian, or 16918
custodian and a representative of the student's high school 16919
jointly develop an individual career plan for the student that 16920
specifies the student matriculating to a two-year degree program, 16921
acquiring a business and industry credential, or entering an 16922
apprenticeship. 16923

(4) The student's high school provides counseling and support 16924
for the student related to the plan developed under division 16925
(D)(3) of this section during the remainder of the student's high 16926
school experience. 16927

(5) The student successfully completes, at a minimum, the 16928
curriculum prescribed in division (B) of this section. 16929

The partnership for continued learning, in collaboration with 16930
the department of education and the Ohio board of regents, shall 16931
analyze student performance data to determine if there are 16932
mitigating factors that warrant extending the exception permitted 16933
by division (D) of this section to high school classes beyond 16934
those entering ninth grade before July 1, 2014. The partnership 16935
shall submit its findings and any recommendations not later than 16936
August 1, 2014, to the speaker and minority leader of the house of 16937
representatives, the president and minority leader of the senate, 16938
the chairpersons and ranking minority members of the standing 16939
committees of the house of representatives and the senate that 16940
consider education legislation, the state board of education, and 16941
the superintendent of public instruction. 16942

(E) Each school district and chartered nonpublic school 16943
retains the authority to require an even more rigorous minimum 16944
curriculum for high school graduation than specified in division 16945
(B) or (C) of this section. A school district board of education, 16946
through the adoption of a resolution, or the governing authority 16947
of a chartered nonpublic school may stipulate any of the 16948
following: 16949

- (1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate; 16950
16951
- (2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section; 16952
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- (3) That no exception comparable to that provided in division (D) of this section is available. 16958
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- (F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department of education, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the Ohio core curriculum prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions: 16960
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- (1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age. 16970
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- (2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs. 16972
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- (3) The program requires students to attain at least the applicable score designated for each of the tests prescribed under division (B) of section 3301.0710 of the Revised Code. 16977
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- (4) The program develops an individual career plan for the 16980

student that specifies the student's matriculating to a two-year 16981
degree program, acquiring a business and industry credential, or 16982
entering an apprenticeship. 16983

(5) The program provides counseling and support for the 16984
student related to the plan developed under division (F)(4) of 16985
this section during the remainder of the student's high school 16986
experience. 16987

(6) The program requires the student and the student's 16988
parent, guardian, or custodian to sign and file, in accordance 16989
with procedural requirements stipulated by the program, a written 16990
statement asserting the parent's, guardian's, or custodian's 16991
consent to the student's graduating without completing the Ohio 16992
core curriculum and acknowledging that one consequence of not 16993
completing the Ohio core curriculum is ineligibility to enroll in 16994
most state universities in Ohio without further coursework. 16995

(7) Prior to receiving the waiver, the program has submitted 16996
to the department an instructional plan that demonstrates how the 16997
academic content standards adopted by the state board of education 16998
under section 3301.079 of the Revised Code will be taught and 16999
assessed. 17000

If the department does not act either to grant the waiver or 17001
to reject the program application for the waiver within sixty days 17002
as required under this section, the waiver shall be considered to 17003
be granted. 17004

(G) Every high school may permit students below the ninth 17005
grade to take advanced work for high school credit. A high school 17006
shall count such advanced work toward the graduation requirements 17007
of division (B) or (C) of this section if the advanced work was 17008
both: 17009

(1) Taught by a person who possesses a license or certificate 17010
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 17011

Code that is valid for teaching high school; 17012

(2) Designated by the board of education of the city, local, 17013
or exempted village school district, the board of the cooperative 17014
education school district, or the governing authority of the 17015
chartered nonpublic school as meeting the high school curriculum 17016
requirements. 17017

Each high school shall record on the student's high school 17018
transcript all high school credit awarded under division (G) of 17019
this section. In addition, if the student completed a seventh- or 17020
eighth-grade fine arts course described in division (K) of this 17021
section and the course qualified for high school credit under that 17022
division, the high school shall record that course on the 17023
student's high school transcript. 17024

(H) The department shall make its individual academic career 17025
plan available through its Ohio career information system web site 17026
for districts and schools to use as a tool for communicating with 17027
and providing guidance to students and families in selecting high 17028
school courses. 17029

(I) Units earned in English language arts, mathematics, 17030
science, and social studies that are delivered through integrated 17031
academic and career-technical instruction are eligible to meet the 17032
graduation requirements of division (B) or (C) of this section. 17033

(J) The state board of education, in consultation with the 17034
Ohio board of regents and the partnership for continued learning, 17035
shall adopt a statewide plan implementing methods for students to 17036
earn units of high school credit based on a demonstration of 17037
subject area competency, instead of or in combination with 17038
completing hours of classroom instruction. The state board shall 17039
adopt the plan not later than March 31, 2009, and commence phasing 17040
in the plan during the 2009-2010 school year. The plan shall 17041
include a standard method for recording demonstrated proficiency 17042

on high school transcripts. Each school district, community 17043
school, and chartered nonpublic school shall comply with the state 17044
board's plan adopted under this division and award units of high 17045
school credit in accordance with the plan. The state board may 17046
adopt existing methods for earning high school credit based on a 17047
demonstration of subject area competency as necessary prior to the 17048
2009-2010 school year. 17049

(K) This division does not apply to students who qualify for 17050
graduation from high school under division (D) or (F) of this 17051
section, or to students pursuing a career-technical instructional 17052
track as determined by the school district board of education or 17053
the chartered nonpublic school's governing authority. 17054
Nevertheless, the general assembly encourages such students to 17055
consider enrolling in a fine arts course as an elective. 17056

Beginning with students who enter ninth grade for the first 17057
time on or after July 1, 2010, each student enrolled in a public 17058
or chartered nonpublic high school shall complete two semesters or 17059
the equivalent of fine arts to graduate from high school. The 17060
coursework may be completed in any of grades seven to twelve. Each 17061
student who completes a fine arts course in grade seven or eight 17062
may elect to count that course toward the five units of electives 17063
required for graduation under division (C)(7) of this section, if 17064
the course satisfied the requirements of division (G) of this 17065
section. In that case, the high school shall award the student 17066
high school credit for the course and count the course toward the 17067
five units required under division (C)(7) of this section. If the 17068
course in grade seven or eight did not satisfy the requirements of 17069
division (G) of this section, the high school shall not award the 17070
student high school credit for the course but shall count the 17071
course toward the two semesters or the equivalent of fine arts 17072
required by this division. 17073

(L) Notwithstanding anything to the contrary in this section, 17074

the board of education of each school district and the governing 17075
authority of each chartered nonpublic school may adopt a policy to 17076
excuse from the high school physical education requirement each 17077
student who, during high school, has participated in 17078
interscholastic athletics, marching band, or cheerleading for at 17079
least two full seasons. If the board or authority adopts such a 17080
policy, the board or authority shall not require the student to 17081
complete any physical education course as a condition to graduate. 17082
However, the student shall be required to complete one-half unit, 17083
consisting of at least sixty hours of instruction, in another 17084
course of study. 17085

Sec. 3313.615. This section shall apply to diplomas awarded 17086
after September 15, 2006, to students who are required to take the 17087
five Ohio graduation tests prescribed by division (B) of section 17088
3301.0710 of the Revised Code. 17089

(A) As an alternative to the requirement that a person attain 17090
the scores designated under division (B) of section 3301.0710 of 17091
the Revised Code on all the tests required under that division in 17092
order to be eligible for a high school diploma or an honors 17093
diploma under sections 3313.61, 3313.612, or 3325.08 of the 17094
Revised Code or for a diploma of adult education under section 17095
3313.611 of the Revised Code, a person who has attained at least 17096
the applicable scores designated under division (B) of section 17097
3301.0710 of the Revised Code on all but one of the tests required 17098
by that division and from which the person was not excused or 17099
exempted, pursuant to division ~~(H)~~ or (L) of section 3313.61, 17100
division (B)(1) of section 3313.612, or section 3313.532 of the 17101
Revised Code, may be awarded a diploma or honors diploma if the 17102
person has satisfied all of the following conditions: 17103

(1) On the one test required under division (B) of section 17104
3301.0710 of the Revised Code for which the person failed to 17105

attain the designated score, the person missed that score by ten points or less; 17106
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(2) Has a ninety-seven per cent school attendance rate in each of the last four school years, excluding any excused absences; 17108
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(3) Has not been expelled from school under section 3313.66 of the Revised Code in any of the last four school years; 17111
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(4) Has a grade point average of at least 2.5 out of 4.0, or its equivalent as designated in rules adopted by the state board of education, in the subject area of the test required under division (B) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score; 17113
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(5) Has completed the high school curriculum requirements prescribed in section 3313.603 of the Revised Code or has qualified under division (D) or (F) of that section; 17118
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(6) Has taken advantage of any intervention programs provided by the school district or school in the subject area described in division (A)(4) of this section and has a ninety-seven per cent attendance rate, excluding any excused absences, in any of those programs that are provided at times beyond the normal school day, school week, or school year or has received comparable intervention services from a source other than the school district or school; 17121
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(7) Holds a letter recommending graduation from each of the person's high school teachers in the subject area described in division (A)(4) of this section and from the person's high school principal. 17129
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(B) The state board of education shall establish rules designating grade point averages equivalent to the average specified in division (A)(4) of this section for use by school districts and schools with different grading systems. 17133
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(C) Any student who is exempt from attaining the applicable score designated under division (B) of section 3301.0710 of the Revised Code on the Ohio graduation test in social studies pursuant to division (H) of section 3313.61 or division (B)(2) of section 3313.612 of the Revised Code shall not qualify for a high school diploma under this section, unless, notwithstanding the exemption, the student attains the applicable score on that test. If the student attains the applicable score on that test, the student may qualify for a diploma under this section in the same manner as any other student who is required to take the five Ohio graduation tests prescribed by division (B) of section 3301.0710 of the Revised Code.

Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(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.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the

requirements of section 5103.03 of the Revised Code and assumes 17198
temporary or permanent custody of children through commitment, 17199
agreement, or surrender, and places children in family homes for 17200
the purpose of adoption; 17201

(c) Comparable agencies of other states or countries that 17202
have complied with applicable requirements of section 2151.39, or 17203
sections 5103.20 to 5103.22 of the Revised Code. 17204

(6) A child is placed for adoption if either of the following 17205
occurs: 17206

(a) An agency to which the child has been permanently 17207
committed or surrendered enters into an agreement with a person 17208
pursuant to section 5103.16 of the Revised Code for the care and 17209
adoption of the child. 17210

(b) The child's natural parent places the child pursuant to 17211
section 5103.16 of the Revised Code with a person who will care 17212
for and adopt the child. 17213

(7) "Handicapped preschool child" means a handicapped child, 17214
as defined by division (A) of section 3323.01 of the Revised Code, 17215
who is at least three years of age but is not of compulsory school 17216
age, as defined in section 3321.01 of the Revised Code, and who is 17217
not currently enrolled in kindergarten. 17218

(8) "Child," unless otherwise indicated, includes handicapped 17219
preschool children. 17220

(9) "Active duty" means active duty pursuant to an executive 17221
order of the president of the United States, an act of the 17222
congress of the United States, or section 5919.29 or 5923.21 of 17223
the Revised Code. 17224

(B) Except as otherwise provided in section 3321.01 of the 17225
Revised Code for admittance to kindergarten and first grade, a 17226
child who is at least five but under twenty-two years of age and 17227

any handicapped preschool child shall be admitted to school as 17228
provided in this division. 17229

(1) A child shall be admitted to the schools of the school 17230
district in which the child's parent resides. 17231

(2) A child who does not reside in the district where the 17232
child's parent resides shall be admitted to the schools of the 17233
district in which the child resides if any of the following 17234
applies: 17235

(a) The child is in the legal or permanent custody of a 17236
government agency or a person other than the child's natural or 17237
adoptive parent. 17238

(b) The child resides in a home. 17239

(c) The child requires special education. 17240

(3) A child who is not entitled under division (B)(2) of this 17241
section to be admitted to the schools of the district where the 17242
child resides and who is residing with a resident of this state 17243
with whom the child has been placed for adoption shall be admitted 17244
to the schools of the district where the child resides unless 17245
either of the following applies: 17246

(a) The placement for adoption has been terminated. 17247

(b) Another school district is required to admit the child 17248
under division (B)(1) of this section. 17249

Division (B) of this section does not prohibit the board of 17250
education of a school district from placing a handicapped child 17251
who resides in the district in a special education program outside 17252
of the district or its schools in compliance with Chapter 3323. of 17253
the Revised Code. 17254

(C) A district shall not charge tuition for children admitted 17255
under division (B)(1) or (3) of this section. If the district 17256
admits a child under division (B)(2) of this section, tuition 17257

shall be paid to the district that admits the child as follows: 17258

(1) If the child receives special education in accordance 17259
with Chapter 3323. of the Revised Code, the school district of 17260
residence, as defined in section 3323.01 of the Revised Code, 17261
shall pay tuition for the child in accordance with section 17262
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 17263
regardless of who has custody of the child or whether the child 17264
resides in a home. 17265

(2) For a child that does not receive special education in 17266
accordance with Chapter 3323. of the Revised Code, except as 17267
otherwise provided in division (C)(2)(d) of this section, if the 17268
child is in the permanent or legal custody of a government agency 17269
or person other than the child's parent, tuition shall be paid by: 17270

(a) The district in which the child's parent resided at the 17271
time the court removed the child from home or at the time the 17272
court vested legal or permanent custody of the child in the person 17273
or government agency, whichever occurred first; 17274

(b) If the parent's residence at the time the court removed 17275
the child from home or placed the child in the legal or permanent 17276
custody of the person or government agency is unknown, tuition 17277
shall be paid by the district in which the child resided at the 17278
time the child was removed from home or placed in legal or 17279
permanent custody, whichever occurred first; 17280

(c) If a school district cannot be established under division 17281
(C)(2)(a) or (b) of this section, tuition shall be paid by the 17282
district determined as required by section 2151.362 of the Revised 17283
Code by the court at the time it vests custody of the child in the 17284
person or government agency; 17285

(d) If at the time the court removed the child from home or 17286
vested legal or permanent custody of the child in the person or 17287
government agency, whichever occurred first, one parent was in a 17288

residential or correctional facility or a juvenile residential 17289
placement and the other parent, if living and not in such a 17290
facility or placement, was not known to reside in this state, 17291
tuition shall be paid by the district determined under division 17292
(D) of section 3313.65 of the Revised Code as the district 17293
required to pay any tuition while the parent was in such facility 17294
or placement; 17295

(e) ~~If the court has modified its order as to which district~~ 17296
~~department of education has determined, pursuant to division~~ 17297
~~(A)(2) of section 2151.362 of the Revised Code, that a school~~ 17298
~~district other than the one named in the court's initial order, or~~ 17299
~~in a prior determination of the department, is responsible to bear~~ 17300
the cost of educating the child pursuant to division (A)(2) of 17301
~~section 2151.362 of the Revised Code, the district so determined~~ 17302
~~to shall be responsible for that cost in the order so modified.~~ 17303

(3) If the child is not in the permanent or legal custody of 17304
a government agency or person other than the child's parent and 17305
the child resides in a home, tuition shall be paid by one of the 17306
following: 17307

(a) The school district in which the child's parent resides; 17308

(b) If the child's parent is not a resident of this state, 17309
the home in which the child resides. 17310

(D) Tuition required to be paid under divisions (C)(2) and 17311
(3)(a) of this section shall be computed in accordance with 17312
section 3317.08 of the Revised Code. Tuition required to be paid 17313
under division (C)(3)(b) of this section shall be computed in 17314
accordance with section 3317.081 of the Revised Code. If a home 17315
fails to pay the tuition required by division (C)(3)(b) of this 17316
section, the board of education providing the education may 17317
recover in a civil action the tuition and the expenses incurred in 17318
prosecuting the action, including court costs and reasonable 17319

attorney's fees. If the prosecuting attorney or city director of
law represents the board in such action, costs and reasonable
attorney's fees awarded by the court, based upon the prosecuting
attorney's, director's, or one of their designee's time spent
preparing and presenting the case, shall be deposited in the
county or city general fund.

(E) A board of education may enroll a child free of any
tuition obligation for a period not to exceed sixty days, on the
sworn statement of an adult resident of the district that the
resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school
under this division, no tuition shall be charged by the school
district of attendance and no other school district shall be
required to pay tuition for the individual's attendance.
Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years
of age who live apart from their parents, support themselves by
their own labor, and have not successfully completed the high
school curriculum or the individualized education program
developed for the person by the high school pursuant to section
3323.08 of the Revised Code, are entitled to attend school in the
district in which they reside.

(2) Any child under eighteen years of age who is married is
entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in
which either of the child's parents is employed if the child has a
medical condition that may require emergency medical attention.
The parent of a child entitled to attend school under division
(F)(3) of this section shall submit to the board of education of
the district in which the parent is employed a statement from the
child's physician certifying that the child's medical condition

may require emergency medical attention. The statement shall be 17351
supported by such other evidence as the board may require. 17352

(4) Any child residing with a person other than the child's 17353
parent is entitled, for a period not to exceed twelve months, to 17354
attend school in the district in which that person resides if the 17355
child's parent files an affidavit with the superintendent of the 17356
district in which the person with whom the child is living resides 17357
stating all of the following: 17358

(a) That the parent is serving outside of the state in the 17359
armed services of the United States; 17360

(b) That the parent intends to reside in the district upon 17361
returning to this state; 17362

(c) The name and address of the person with whom the child is 17363
living while the parent is outside the state. 17364

(5) Any child under the age of twenty-two years who, after 17365
the death of a parent, resides in a school district other than the 17366
district in which the child attended school at the time of the 17367
parent's death is entitled to continue to attend school in the 17368
district in which the child attended school at the time of the 17369
parent's death for the remainder of the school year, subject to 17370
approval of that district board. 17371

(6) A child under the age of twenty-two years who resides 17372
with a parent who is having a new house built in a school district 17373
outside the district where the parent is residing is entitled to 17374
attend school for a period of time in the district where the new 17375
house is being built. In order to be entitled to such attendance, 17376
the parent shall provide the district superintendent with the 17377
following: 17378

(a) A sworn statement explaining the situation, revealing the 17379
location of the house being built, and stating the parent's 17380
intention to reside there upon its completion; 17381

(b) A statement from the builder confirming that a new house 17382
is being built for the parent and that the house is at the 17383
location indicated in the parent's statement. 17384

(7) A child under the age of twenty-two years residing with a 17385
parent who has a contract to purchase a house in a school district 17386
outside the district where the parent is residing and who is 17387
waiting upon the date of closing of the mortgage loan for the 17388
purchase of such house is entitled to attend school for a period 17389
of time in the district where the house is being purchased. In 17390
order to be entitled to such attendance, the parent shall provide 17391
the district superintendent with the following: 17392

(a) A sworn statement explaining the situation, revealing the 17393
location of the house being purchased, and stating the parent's 17394
intent to reside there; 17395

(b) A statement from a real estate broker or bank officer 17396
confirming that the parent has a contract to purchase the house, 17397
that the parent is waiting upon the date of closing of the 17398
mortgage loan, and that the house is at the location indicated in 17399
the parent's statement. 17400

The district superintendent shall establish a period of time 17401
not to exceed ninety days during which the child entitled to 17402
attend school under division (F)(6) or (7) of this section may 17403
attend without tuition obligation. A student attending a school 17404
under division (F)(6) or (7) of this section shall be eligible to 17405
participate in interscholastic athletics under the auspices of 17406
that school, provided the board of education of the school 17407
district where the student's parent resides, by a formal action, 17408
releases the student to participate in interscholastic athletics 17409
at the school where the student is attending, and provided the 17410
student receives any authorization required by a public agency or 17411
private organization of which the school district is a member 17412
exercising authority over interscholastic sports. 17413

(8) A child whose parent is a full-time employee of a city, 17414
local, or exempted village school district, or of an educational 17415
service center, may be admitted to the schools of the district 17416
where the child's parent is employed, or in the case of a child 17417
whose parent is employed by an educational service center, in the 17418
district that serves the location where the parent's job is 17419
primarily located, provided the district board of education 17420
establishes such an admission policy by resolution adopted by a 17421
majority of its members. Any such policy shall take effect on the 17422
first day of the school year and the effective date of any 17423
amendment or repeal may not be prior to the first day of the 17424
subsequent school year. The policy shall be uniformly applied to 17425
all such children and shall provide for the admission of any such 17426
child upon request of the parent. No child may be admitted under 17427
this policy after the first day of classes of any school year. 17428

(9) A child who is with the child's parent under the care of 17429
a shelter for victims of domestic violence, as defined in section 17430
3113.33 of the Revised Code, is entitled to attend school free in 17431
the district in which the child is with the child's parent, and no 17432
other school district shall be required to pay tuition for the 17433
child's attendance in that school district. 17434

The enrollment of a child in a school district under this 17435
division shall not be denied due to a delay in the school 17436
district's receipt of any records required under section 3313.672 17437
of the Revised Code or any other records required for enrollment. 17438
Any days of attendance and any credits earned by a child while 17439
enrolled in a school district under this division shall be 17440
transferred to and accepted by any school district in which the 17441
child subsequently enrolls. The state board of education shall 17442
adopt rules to ensure compliance with this division. 17443

(10) Any child under the age of twenty-two years whose parent 17444
has moved out of the school district after the commencement of 17445

classes in the child's senior year of high school is entitled, 17446
subject to the approval of that district board, to attend school 17447
in the district in which the child attended school at the time of 17448
the parental move for the remainder of the school year and for one 17449
additional semester or equivalent term. A district board may also 17450
adopt a policy specifying extenuating circumstances under which a 17451
student may continue to attend school under division (F)(10) of 17452
this section for an additional period of time in order to 17453
successfully complete the high school curriculum for the 17454
individualized education program developed for the student by the 17455
high school pursuant to section 3323.08 of the Revised Code. 17456

(11) As used in this division, "grandparent" means a parent 17457
of a parent of a child. A child under the age of twenty-two years 17458
who is in the custody of the child's parent, resides with a 17459
grandparent, and does not require special education is entitled to 17460
attend the schools of the district in which the child's 17461
grandparent resides, provided that, prior to such attendance in 17462
any school year, the board of education of the school district in 17463
which the child's grandparent resides and the board of education 17464
of the school district in which the child's parent resides enter 17465
into a written agreement specifying that good cause exists for 17466
such attendance, describing the nature of this good cause, and 17467
consenting to such attendance. 17468

In lieu of a consent form signed by a parent, a board of 17469
education may request the grandparent of a child attending school 17470
in the district in which the grandparent resides pursuant to 17471
division (F)(11) of this section to complete any consent form 17472
required by the district, including any authorization required by 17473
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 17474
Code. Upon request, the grandparent shall complete any consent 17475
form required by the district. A school district shall not incur 17476
any liability solely because of its receipt of a consent form from 17477

a grandparent in lieu of a parent. 17478

Division (F)(11) of this section does not create, and shall 17479
not be construed as creating, a new cause of action or substantive 17480
legal right against a school district, a member of a board of 17481
education, or an employee of a school district. This section does 17482
not affect, and shall not be construed as affecting, any 17483
immunities from defenses to tort liability created or recognized 17484
by Chapter 2744. of the Revised Code for a school district, 17485
member, or employee. 17486

(12) A child under the age of twenty-two years is entitled to 17487
attend school in a school district other than the district in 17488
which the child is entitled to attend school under division (B), 17489
(C), or (E) of this section provided that, prior to such 17490
attendance in any school year, both of the following occur: 17491

(a) The superintendent of the district in which the child is 17492
entitled to attend school under division (B), (C), or (E) of this 17493
section contacts the superintendent of another district for 17494
purposes of this division; 17495

(b) The superintendents of both districts enter into a 17496
written agreement that consents to the attendance and specifies 17497
that the purpose of such attendance is to protect the student's 17498
physical or mental well-being or to deal with other extenuating 17499
circumstances deemed appropriate by the superintendents. 17500

While an agreement is in effect under this division for a 17501
student who is not receiving special education under Chapter 3323. 17502
of the Revised Code and notwithstanding Chapter 3327. of the 17503
Revised Code, the board of education of neither school district 17504
involved in the agreement is required to provide transportation 17505
for the student to and from the school where the student attends. 17506

A student attending a school of a district pursuant to this 17507
division shall be allowed to participate in all student 17508

activities, including interscholastic athletics, at the school 17509
where the student is attending on the same basis as any student 17510
who has always attended the schools of that district while of 17511
compulsory school age. 17512

(13) All school districts shall comply with the 17513
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 17514
seq., for the education of homeless children. Each city, local, 17515
and exempted village school district shall comply with the 17516
requirements of that act governing the provision of a free, 17517
appropriate public education, including public preschool, to each 17518
homeless child. 17519

When a child loses permanent housing and becomes a homeless 17520
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 17521
such a homeless person changes temporary living arrangements, the 17522
child's parent or guardian shall have the option of enrolling the 17523
child in either of the following: 17524

(a) The child's school of origin, as defined in 42 U.S.C.A. 17525
11432(g)(3)(C); 17526

(b) The school that is operated by the school district in 17527
which the shelter where the child currently resides is located and 17528
that serves the geographic area in which the shelter is located. 17529

(14) A child under the age of twenty-two years who resides 17530
with a person other than the child's parent is entitled to attend 17531
school in the school district in which that person resides if both 17532
of the following apply: 17533

(a) That person has been appointed, through a military power 17534
of attorney executed under section 574(a) of the "National Defense 17535
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 17536
U.S.C. 1044b, or through a comparable document necessary to 17537
complete a family care plan, as the parent's agent for the care, 17538
custody, and control of the child while the parent is on active 17539

duty as a member of the national guard or a reserve unit of the 17540
armed forces of the United States or because the parent is a 17541
member of the armed forces of the United States and is on a duty 17542
assignment away from the parent's residence. 17543

(b) The military power of attorney or comparable document 17544
includes at least the authority to enroll the child in school. 17545

The entitlement to attend school in the district in which the 17546
parent's agent under the military power of attorney or comparable 17547
document resides applies until the end of the school year in which 17548
the military power of attorney or comparable document expires. 17549

(G) A board of education, after approving admission, may 17550
waive tuition for students who will temporarily reside in the 17551
district and who are either of the following: 17552

(1) Residents or domiciliaries of a foreign nation who 17553
request admission as foreign exchange students; 17554

(2) Residents or domiciliaries of the United States but not 17555
of Ohio who request admission as participants in an exchange 17556
program operated by a student exchange organization. 17557

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 17558
3327.04, and 3327.06 of the Revised Code, a child may attend 17559
school or participate in a special education program in a school 17560
district other than in the district where the child is entitled to 17561
attend school under division (B) of this section. 17562

(I)(1) Notwithstanding anything to the contrary in this 17563
section or section 3313.65 of the Revised Code, a child under 17564
twenty-two years of age may attend school in the school district 17565
in which the child, at the end of the first full week of October 17566
of the school year, was entitled to attend school as otherwise 17567
provided under this section or section 3313.65 of the Revised 17568
Code, if at that time the child was enrolled in the schools of the 17569
district but since that time the child or the child's parent has 17570

relocated to a new address located outside of that school district 17571
and within the same county as the child's or parent's address 17572
immediately prior to the relocation. The child may continue to 17573
attend school in the district, and at the school to which the 17574
child was assigned at the end of the first full week of October of 17575
the current school year, for the balance of the school year. 17576
Division (I)(1) of this section applies only if both of the 17577
following conditions are satisfied: 17578

(a) The board of education of the school district in which 17579
the child was entitled to attend school at the end of the first 17580
full week in October and of the district to which the child or 17581
child's parent has relocated each has adopted a policy to enroll 17582
children described in division (I)(1) of this section. 17583

(b) The child's parent provides written notification of the 17584
relocation outside of the school district to the superintendent of 17585
each of the two school districts. 17586

(2) At the beginning of the school year following the school 17587
year in which the child or the child's parent relocated outside of 17588
the school district as described in division (I)(1) of this 17589
section, the child is not entitled to attend school in the school 17590
district under that division. 17591

(3) Any person or entity owing tuition to the school district 17592
on behalf of the child at the end of the first full week in 17593
October, as provided in division (C) of this section, shall 17594
continue to owe such tuition to the district for the child's 17595
attendance under division (I)(1) of this section for the lesser of 17596
the balance of the school year or the balance of the time that the 17597
child attends school in the district under division (I)(1) of this 17598
section. 17599

(4) A pupil who may attend school in the district under 17600
division (I)(1) of this section shall be entitled to 17601

transportation services pursuant to an agreement between the 17602
district and the district in which the child or child's parent has 17603
relocated unless the districts have not entered into such 17604
agreement, in which case the child shall be entitled to 17605
transportation services in the same manner as a pupil attending 17606
school in the district under interdistrict open enrollment as 17607
described in division (H) of section 3313.981 of the Revised Code, 17608
regardless of whether the district has adopted an open enrollment 17609
policy as described in division (B)(1)(b) or (c) of section 17610
3313.98 of the Revised Code. 17611

(J) This division does not apply to a child receiving special 17612
education. 17613

A school district required to pay tuition pursuant to 17614
division (C)(2) or (3) of this section or section 3313.65 of the 17615
Revised Code shall have an amount deducted under division (F) of 17616
section 3317.023 of the Revised Code equal to its own tuition rate 17617
for the same period of attendance. A school district entitled to 17618
receive tuition pursuant to division (C)(2) or (3) of this section 17619
or section 3313.65 of the Revised Code shall have an amount 17620
credited under division (F) of section 3317.023 of the Revised 17621
Code equal to its own tuition rate for the same period of 17622
attendance. If the tuition rate credited to the district of 17623
attendance exceeds the rate deducted from the district required to 17624
pay tuition, the department of education shall pay the district of 17625
attendance the difference from amounts deducted from all 17626
districts' payments under division (F) of section 3317.023 of the 17627
Revised Code but not credited to other school districts under such 17628
division and from appropriations made for such purpose. The 17629
treasurer of each school district shall, by the fifteenth day of 17630
January and July, furnish the superintendent of public instruction 17631
a report of the names of each child who attended the district's 17632
schools under divisions (C)(2) and (3) of this section or section 17633

3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the

child lives outside of the district as a result of the parent's 17666
active duty status or temporary duty assignment. 17667

Sec. 3313.646. (A) The board of education of a school 17668
district, except a cooperative education district established 17669
pursuant to section 3311.521 of the Revised Code, may establish 17670
and operate a preschool program ~~except that no such program shall~~ 17671
~~be established after March 17, 1989, unless both of the following~~ 17672
~~apply at the time the program is established.~~ 17673

~~(1) The, provided the~~ board has demonstrated a need for the 17674
program. 17675

~~(2) Unless it is a cooperative education district established~~ 17676
~~pursuant to divisions (A) to (C) of section 3311.52 of the Revised~~ 17677
~~Code, the school district is eligible for moneys distributed by~~ 17678
~~the department of education pursuant to section 3317.029 of the~~ 17679
~~Revised Code.~~ A board may use school funds in support of preschool 17680
programs. The board shall maintain, operate, and admit children to 17681
any such program pursuant to rules adopted by such board and the 17682
rules of the state board of education adopted under sections 17683
3301.52 to 3301.57 of the Revised Code. 17684

A board of education may establish fees or tuition, which may 17685
be graduated in proportion to family income, for participation in 17686
a preschool program. In cases where payment of fees or tuition 17687
would create a hardship for the child's parent or guardian, the 17688
board may waive any such fees or tuition. 17689

(B) No board of education that is not receiving funds under 17690
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 17691
March 17, 1989, shall compete for funds under the "Head Start Act" 17692
with any grantee receiving funds under that act. 17693

(C) A board of education may contract with any of the 17694
following preschool providers to provide preschool programs, other 17695

than programs for units described by divisions (B) and (C) of 17696
section 3317.05 of the Revised Code, for children of the school 17697
district: 17698

(1) Any organization receiving funds under the "Head Start 17699
Act"; 17700

(2) Any nonsectarian eligible nonpublic school as defined in 17701
division (H) of section 3301.52 of the Revised Code; 17702

(3) Any child care provider licensed under Chapter 5104. of 17703
the Revised Code. 17704

Boards may contract to provide preschool programs only with 17705
such organizations whose staff meet the requirements of rules 17706
adopted under section 3301.53 of the Revised Code or those of the 17707
child development associate credential established by the national 17708
association for the education of young children. 17709

(D) A contract entered into under division (C) of this 17710
section may provide for the board of education to lease school 17711
facilities to the preschool provider or to furnish transportation, 17712
utilities, or staff for the preschool program. 17713

(E) The treasurer of any board of education operating a 17714
preschool program pursuant to this section shall keep an account 17715
of all funds used to operate the program in the same manner as ~~he~~ 17716
the treasurer would any other funds of the district pursuant to 17717
this chapter. 17718

Sec. 3313.66. (A) Except as provided under division (B)(2) of 17719
this section, the superintendent of schools of a city, exempted 17720
village, or local school district, or the principal of a public 17721
school may suspend a pupil from school for not more than ten 17722
school days. The board of education of a city, exempted village, 17723
or local school district may adopt a policy granting assistant 17724
principals and other administrators the authority to suspend a 17725

pupil from school for a period of time as specified in the policy 17726
of the board of education, not to exceed ten school days. If at 17727
the time a suspension is imposed there are fewer than ten school 17728
days remaining in the school year in which the incident that gives 17729
rise to the suspension takes place, the superintendent may apply 17730
any remaining part or all of the period of the suspension to the 17731
following school year. Except in the case of a pupil given an 17732
in-school suspension, no pupil shall be suspended unless prior to 17733
the suspension such superintendent or principal does both of the 17734
following: 17735

(1) Gives the pupil written notice of the intention to 17736
suspend the pupil and the reasons for the intended suspension and, 17737
if the proposed suspension is based on a violation listed in 17738
division (A) of section 3313.662 of the Revised Code and if the 17739
pupil is sixteen years of age or older, includes in the notice a 17740
statement that the superintendent may seek to permanently exclude 17741
the pupil if the pupil is convicted of or adjudicated a delinquent 17742
child for that violation; 17743

(2) Provides the pupil an opportunity to appear at an 17744
informal hearing before the principal, assistant principal, 17745
superintendent, or superintendent's designee and challenge the 17746
reason for the intended suspension or otherwise to explain the 17747
pupil's actions. 17748

(B)(1) Except as provided under division (B)(2), (3), or (4) 17749
of this section, the superintendent of schools of a city, exempted 17750
village, or local school district may expel a pupil from school 17751
for a period not to exceed the greater of eighty school days or 17752
the number of school days remaining in the semester or term in 17753
which the incident that gives rise to the expulsion takes place, 17754
unless the expulsion is extended pursuant to division (F) of this 17755
section. If at the time an expulsion is imposed there are fewer 17756
than eighty school days remaining in the school year in which the 17757

incident that gives rise to the expulsion takes place, the 17758
superintendent may apply any remaining part or all of the period 17759
of the expulsion to the following school year. 17760

(2)(a) Unless a pupil is permanently excluded pursuant to 17761
section 3313.662 of the Revised Code, the superintendent of 17762
schools of a city, exempted village, or local school district 17763
shall expel a pupil from school for a period of one year for 17764
bringing a firearm to a school operated by the board of education 17765
of the district or onto any other property owned or controlled by 17766
the board, except that the superintendent may reduce this 17767
requirement on a case-by-case basis in accordance with the policy 17768
adopted by the board under section 3313.661 of the Revised Code. 17769

(b) The superintendent of schools of a city, exempted 17770
village, or local school district may expel a pupil from school 17771
for a period of one year for bringing a firearm to an 17772
interscholastic competition, an extracurricular event, or any 17773
other school program or activity that is not located in a school 17774
or on property that is owned or controlled by the district. The 17775
superintendent may reduce this disciplinary action on a 17776
case-by-case basis in accordance with the policy adopted by the 17777
board under section 3313.661 of the Revised Code. 17778

(c) Any expulsion pursuant to division (B)(2) of this section 17779
shall extend, as necessary, into the school year following the 17780
school year in which the incident that gives rise to the expulsion 17781
takes place. As used in this division, "firearm" has the same 17782
meaning as provided pursuant to the "Gun-Free Schools Act of 17783
1994," ~~108~~ 115 Stat. ~~270~~ 1762, 20 U.S.C. ~~8001(a)(2)~~ 7151. 17784

(3) The board of education of a city, exempted village, or 17785
local school district may adopt a resolution authorizing the 17786
superintendent of schools to expel a pupil from school for a 17787
period not to exceed one year for bringing a knife to a school 17788
operated by the board, onto any other property owned or controlled 17789

by the board, or to an interscholastic competition, an 17790
extracurricular event, or any other program or activity sponsored 17791
by the school district or in which the district is a participant, 17792
or for possessing a firearm or knife at a school, on any other 17793
property owned or controlled by the board, or at an 17794
interscholastic competition, an extracurricular event, or any 17795
other school program or activity, which firearm or knife was 17796
initially brought onto school board property by another person. 17797
The resolution may authorize the superintendent to extend such an 17798
expulsion, as necessary, into the school year following the school 17799
year in which the incident that gives rise to the expulsion takes 17800
place. 17801

(4) The board of education of a city, exempted village, or 17802
local school district may adopt a resolution establishing a policy 17803
under section 3313.661 of the Revised Code that authorizes the 17804
superintendent of schools to expel a pupil from school for a 17805
period not to exceed one year for committing an act that is a 17806
criminal offense when committed by an adult and that results in 17807
serious physical harm to persons as defined in division (A)(5) of 17808
section 2901.01 of the Revised Code or serious physical harm to 17809
property as defined in division (A)(6) of section 2901.01 of the 17810
Revised Code while the pupil is at school, on any other property 17811
owned or controlled by the board, or at an interscholastic 17812
competition, an extracurricular event, or any other school program 17813
or activity. Any expulsion under this division shall extend, as 17814
necessary, into the school year following the school year in which 17815
the incident that gives rise to the expulsion takes place. 17816

(5) The board of education of any city, exempted village, or 17817
local school district may adopt a resolution establishing a policy 17818
under section 3313.661 of the Revised Code that authorizes the 17819
superintendent of schools to expel a pupil from school for a 17820
period not to exceed one year for making a bomb threat to a school 17821

building or to any premises at which a school activity is 17822
occurring at the time of the threat. Any expulsion under this 17823
division shall extend, as necessary, into the school year 17824
following the school year in which the incident that gives rise to 17825
the expulsion takes place. 17826

(6) No pupil shall be expelled under division (B)(1), (2), 17827
(3), (4), or (5) of this section unless, prior to the pupil's 17828
expulsion, the superintendent does both of the following: 17829

(a) Gives the pupil and the pupil's parent, guardian, or 17830
custodian written notice of the intention to expel the pupil; 17831

(b) Provides the pupil and the pupil's parent, guardian, 17832
custodian, or representative an opportunity to appear in person 17833
before the superintendent or the superintendent's designee to 17834
challenge the reasons for the intended expulsion or otherwise to 17835
explain the pupil's actions. 17836

The notice required in this division shall include the 17837
reasons for the intended expulsion, notification of the 17838
opportunity of the pupil and the pupil's parent, guardian, 17839
custodian, or representative to appear before the superintendent 17840
or the superintendent's designee to challenge the reasons for the 17841
intended expulsion or otherwise to explain the pupil's action, and 17842
notification of the time and place to appear. The time to appear 17843
shall not be earlier than three nor later than five school days 17844
after the notice is given, unless the superintendent grants an 17845
extension of time at the request of the pupil or the pupil's 17846
parent, guardian, custodian, or representative. If an extension is 17847
granted after giving the original notice, the superintendent shall 17848
notify the pupil and the pupil's parent, guardian, custodian, or 17849
representative of the new time and place to appear. If the 17850
proposed expulsion is based on a violation listed in division (A) 17851
of section 3313.662 of the Revised Code and if the pupil is 17852
sixteen years of age or older, the notice shall include a 17853

statement that the superintendent may seek to permanently exclude 17854
the pupil if the pupil is convicted of or adjudicated a delinquent 17855
child for that violation. 17856

(7) A superintendent of schools of a city, exempted village, 17857
or local school district shall initiate expulsion proceedings 17858
pursuant to this section with respect to any pupil who has 17859
committed an act warranting expulsion under the district's policy 17860
regarding expulsion even if the pupil has withdrawn from school 17861
for any reason after the incident that gives rise to the hearing 17862
but prior to the hearing or decision to impose the expulsion. If, 17863
following the hearing, the pupil would have been expelled for a 17864
period of time had the pupil still been enrolled in the school, 17865
the expulsion shall be imposed for the same length of time as on a 17866
pupil who has not withdrawn from the school. 17867

(C) If a pupil's presence poses a continuing danger to 17868
persons or property or an ongoing threat of disrupting the 17869
academic process taking place either within a classroom or 17870
elsewhere on the school premises, the superintendent or a 17871
principal or assistant principal may remove a pupil from 17872
curricular activities or from the school premises, and a teacher 17873
may remove a pupil from curricular activities under the teacher's 17874
supervision, without the notice and hearing requirements of 17875
division (A) or (B) of this section. As soon as practicable after 17876
making such a removal, the teacher shall submit in writing to the 17877
principal the reasons for such removal. 17878

If a pupil is removed under this division from a curricular 17879
activity or from the school premises, written notice of the 17880
hearing and of the reason for the removal shall be given to the 17881
pupil as soon as practicable prior to the hearing, which shall be 17882
held within three school days from the time the initial removal is 17883
ordered. The hearing shall be held in accordance with division (A) 17884
of this section unless it is probable that the pupil may be 17885

subject to expulsion, in which case a hearing in accordance with 17886
division (B) of this section shall be held, except that the 17887
hearing shall be held within three school days of the initial 17888
removal. The individual who ordered, caused, or requested the 17889
removal to be made shall be present at the hearing. 17890

If the superintendent or the principal reinstates a pupil in 17891
a curricular activity under the teacher's supervision prior to the 17892
hearing following a removal under this division, the teacher, upon 17893
request, shall be given in writing the reasons for such 17894
reinstatement. 17895

(D) The superintendent or principal, within one school day 17896
after the time of a pupil's expulsion or suspension, shall notify 17897
in writing the parent, guardian, or custodian of the pupil and the 17898
treasurer of the board of education of the expulsion or 17899
suspension. The notice shall include the reasons for the expulsion 17900
or suspension, notification of the right of the pupil or the 17901
pupil's parent, guardian, or custodian to appeal the expulsion or 17902
suspension to the board of education or to its designee, to be 17903
represented in all appeal proceedings, to be granted a hearing 17904
before the board or its designee in order to be heard against the 17905
suspension or expulsion, and to request that the hearing be held 17906
in executive session, notification that the expulsion may be 17907
subject to extension pursuant to division (F) of this section if 17908
the pupil is sixteen years of age or older, and notification that 17909
the superintendent may seek the pupil's permanent exclusion if the 17910
suspension or expulsion was based on a violation listed in 17911
division (A) of section 3313.662 of the Revised Code that was 17912
committed when the child was sixteen years of age or older and if 17913
the pupil is convicted of or adjudicated a delinquent child for 17914
that violation. 17915

In accordance with the policy adopted by the board of 17916
education under section 3313.661 of the Revised Code, the notice 17917

provided under this division shall specify the manner and date by 17918
which the pupil or the pupil's parent, guardian, or custodian 17919
shall notify the board of the pupil's, parent's, guardian's, or 17920
custodian's intent to appeal the expulsion or suspension to the 17921
board or its designee. 17922

Any superintendent expelling a pupil under this section for 17923
more than twenty school days or for any period of time if the 17924
expulsion will extend into the following semester or school year 17925
shall, in the notice required under this division, provide the 17926
pupil and the pupil's parent, guardian, or custodian with 17927
information about services or programs offered by public and 17928
private agencies that work toward improving those aspects of the 17929
pupil's attitudes and behavior that contributed to the incident 17930
that gave rise to the pupil's expulsion. The information shall 17931
include the names, addresses, and phone numbers of the appropriate 17932
public and private agencies. 17933

(E) A pupil or the pupil's parent, guardian, or custodian may 17934
appeal the pupil's expulsion by a superintendent or suspension by 17935
a superintendent, principal, assistant principal, or other 17936
administrator to the board of education or to its designee. If the 17937
pupil or the pupil's parent, guardian, or custodian intends to 17938
appeal the expulsion or suspension to the board or its designee, 17939
the pupil or the pupil's parent, guardian, or custodian shall 17940
notify the board in the manner and by the date specified in the 17941
notice provided under division (D) of this section. The pupil or 17942
the pupil's parent, guardian, or custodian may be represented in 17943
all appeal proceedings and shall be granted a hearing before the 17944
board or its designee in order to be heard against the suspension 17945
or expulsion. At the request of the pupil or of the pupil's 17946
parent, guardian, custodian, or attorney, the board or its 17947
designee may hold the hearing in executive session but shall act 17948
upon the suspension or expulsion only at a public meeting. The 17949

board, by a majority vote of its full membership or by the action 17950
of its designee, may affirm the order of suspension or expulsion, 17951
reinstate the pupil, or otherwise reverse, vacate, or modify the 17952
order of suspension or expulsion. 17953

The board or its designee shall make a verbatim record of 17954
hearings held under this division. The decisions of the board or 17955
its designee may be appealed under Chapter 2506. of the Revised 17956
Code. 17957

This section shall not be construed to require notice and 17958
hearing in accordance with division (A), (B), or (C) of this 17959
section in the case of normal disciplinary procedures in which a 17960
pupil is removed from a curricular activity for a period of less 17961
than one school day and is not subject to suspension or expulsion. 17962

(F)(1) If a pupil is expelled pursuant to division (B) of 17963
this section for committing any violation listed in division (A) 17964
of section 3313.662 of the Revised Code and the pupil was sixteen 17965
years of age or older at the time of committing the violation, if 17966
a complaint, indictment, or information is filed alleging that the 17967
pupil is a delinquent child based upon the commission of the 17968
violation or the pupil is prosecuted as an adult for the 17969
commission of the violation, and if the resultant juvenile court 17970
or criminal proceeding is pending at the time that the expulsion 17971
terminates, the superintendent of schools that expelled the pupil 17972
may file a motion with the court in which the proceeding is 17973
pending requesting an order extending the expulsion for the lesser 17974
of an additional eighty days or the number of school days 17975
remaining in the school year. Upon the filing of the motion, the 17976
court immediately shall schedule a hearing and give written notice 17977
of the time, date, and location of the hearing to the 17978
superintendent and to the pupil and the pupil's parent, guardian, 17979
or custodian. At the hearing, the court shall determine whether 17980
there is reasonable cause to believe that the pupil committed the 17981

alleged violation that is the basis of the expulsion and, upon 17982
determining that reasonable cause to believe the pupil committed 17983
the violation does exist, shall grant the requested extension. 17984

(2) If a pupil has been convicted of or adjudicated a 17985
delinquent child for a violation listed in division (A) of section 17986
3313.662 of the Revised Code for an act that was committed when 17987
the child was sixteen years of age or older, if the pupil has been 17988
expelled pursuant to division (B) of this section for that 17989
violation, and if the board of education of the school district of 17990
the school from which the pupil was expelled has adopted a 17991
resolution seeking the pupil's permanent exclusion, the 17992
superintendent may file a motion with the court that convicted the 17993
pupil or adjudicated the pupil a delinquent child requesting an 17994
order to extend the expulsion until an adjudication order or other 17995
determination regarding permanent exclusion is issued by the 17996
superintendent of public instruction pursuant to section 3301.121 17997
and division (D) of section 3313.662 of the Revised Code. Upon the 17998
filing of the motion, the court immediately shall schedule a 17999
hearing and give written notice of the time, date, and location of 18000
the hearing to the superintendent of the school district, the 18001
pupil, and the pupil's parent, guardian, or custodian. At the 18002
hearing, the court shall determine whether there is reasonable 18003
cause to believe the pupil's continued attendance in the public 18004
school system may endanger the health and safety of other pupils 18005
or school employees and, upon making that determination, shall 18006
grant the requested extension. 18007

(G) The failure of the superintendent or the board of 18008
education to provide the information regarding the possibility of 18009
permanent exclusion in the notice required by divisions (A), (B), 18010
and (D) of this section is not jurisdictional, and the failure 18011
shall not affect the validity of any suspension or expulsion 18012
procedure that is conducted in accordance with this section or the 18013

validity of a permanent exclusion procedure that is conducted in 18014
accordance with sections 3301.121 and 3313.662 of the Revised 18015
Code. 18016

(H) With regard to suspensions and expulsions pursuant to 18017
divisions (A) and (B) of this section by the board of education of 18018
any city, exempted village, or local school district, this section 18019
shall apply to any student, whether or not the student is enrolled 18020
in the district, attending or otherwise participating in any 18021
curricular program provided in a school operated by the board or 18022
provided on any other property owned or controlled by the board. 18023

(I) Whenever a student is expelled under this section, the 18024
expulsion shall result in removal of the student from the 18025
student's regular school setting. However, during the period of 18026
the expulsion, the board of education of the school district that 18027
expelled the student or any board of education admitting the 18028
student during that expulsion period may provide educational 18029
services to the student in an alternative setting. 18030

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 18031
and 3313.65 of the Revised Code, any school district, after 18032
offering an opportunity for a hearing, may temporarily deny 18033
admittance to any pupil if one of the following applies: 18034

(a) The pupil has been suspended from the schools of another 18035
district under division (A) of this section and the period of 18036
suspension, as established under that division, has not expired; 18037

(b) The pupil has been expelled from the schools of another 18038
district under division (B) of this section and the period of the 18039
expulsion, as established under that division or as extended under 18040
division (F) of this section, has not expired. 18041

If a pupil is temporarily denied admission under this 18042
division, the pupil shall be admitted to school in accordance with 18043
sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised 18044

Code no later than upon expiration of the suspension or expulsion 18045
period, as applicable. 18046

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 18047
3313.65 of the Revised Code, any school district, after offering 18048
an opportunity for a hearing, may temporarily deny admittance to 18049
any pupil if the pupil has been expelled or otherwise removed for 18050
disciplinary purposes from a public school in another state and 18051
the period of expulsion or removal has not expired. If a pupil is 18052
temporarily denied admission under this division, the pupil shall 18053
be admitted to school in accordance with sections 3109.51 to 18054
3109.80, 3313.64, or 3313.65 of the Revised Code no later than the 18055
earlier of the following: 18056

(a) Upon expiration of the expulsion or removal period 18057
imposed by the out-of-state school; 18058

(b) Upon expiration of a period established by the district, 18059
beginning with the date of expulsion or removal from the 18060
out-of-state school, that is no greater than the period of 18061
expulsion that the pupil would have received under the policy 18062
adopted by the district under section 3313.661 of the Revised Code 18063
had the offense that gave rise to the expulsion or removal by the 18064
out-of-state school been committed while the pupil was enrolled in 18065
the district. 18066

(K) As used in this section: 18067

(1) "Permanently exclude" and "permanent exclusion" have the 18068
same meanings as in section 3313.662 of the Revised Code. 18069

(2) "In-school suspension" means the pupil will serve all of 18070
the suspension in a school setting. 18071

Sec. 3313.661. (A) The board of education of each city, 18072
exempted village, and local school district shall adopt a policy 18073
regarding suspension, expulsion, removal, and permanent exclusion 18074

that specifies the types of misconduct for which a pupil may be 18075
suspended, expelled, or removed. The types of misconduct may 18076
include misconduct by a pupil that occurs off of property owned or 18077
controlled by the district but that is connected to activities or 18078
incidents that have occurred on property owned or controlled by 18079
that district and misconduct by a pupil that, regardless of where 18080
it occurs, is directed at a district official or employee, or the 18081
property of such official or employee. The policy shall specify 18082
the reasons for which the superintendent of the district may 18083
reduce the expulsion requirement in division (B)(2) of section 18084
3313.66 of the Revised Code. If a board of education adopts a 18085
resolution pursuant to division (B)(3) of section 3313.66 of the 18086
Revised Code, the policy shall define the term "knife" or 18087
"firearm," as applicable, for purposes of expulsion under that 18088
resolution and shall specify any reasons for which the 18089
superintendent of the district may reduce any required expulsion 18090
period on a case-by-case basis. If a board of education adopts a 18091
resolution pursuant to division (B)(4) or (5) of section 3313.66 18092
of the Revised Code, the policy shall specify any reasons for 18093
which the superintendent of the district may reduce any required 18094
expulsion period on a case-by-case basis. The policy also shall 18095
set forth the acts listed in section 3313.662 of the Revised Code 18096
for which a pupil may be permanently excluded. 18097

The policy adopted under this division shall specify the date 18098
and manner by which a pupil or a pupil's parent, guardian, or 18099
custodian may notify the board of the pupil's, parent's, 18100
guardian's, or custodian's intent to appeal an expulsion or 18101
suspension to the board or its designee pursuant to division (E) 18102
of section 3313.66 of the Revised Code. In the case of any 18103
expulsion, the policy shall not specify a date that is less than 18104
fourteen days after the date of the notice provided to the pupil 18105
or the pupil's parent, guardian, or custodian under division (D) 18106
of that section. 18107

A copy of the policy shall be posted in a central location in 18108
the school and made available to pupils upon request. No pupil 18109
shall be suspended, expelled, or removed except in accordance with 18110
the policy adopted by the board of education of the school 18111
district in which the pupil attends school, and no pupil shall be 18112
permanently excluded except in accordance with sections 3301.121 18113
and 3313.662 of the Revised Code. 18114

(B) A board of education may establish a program and adopt 18115
guidelines under which a superintendent may require a pupil to 18116
perform community service in conjunction with a suspension or 18117
expulsion imposed under section 3313.66 of the Revised Code or in 18118
place of a suspension or expulsion imposed under section 3313.66 18119
of the Revised Code except for an expulsion imposed pursuant to 18120
division (B)(2) of that section. If a board adopts guidelines 18121
under this division, they shall permit, except with regard to an 18122
expulsion pursuant to division (B)(2) of section 3313.66 of the 18123
Revised Code, a superintendent to impose a community service 18124
requirement beyond the end of the school year in lieu of applying 18125
the suspension or expulsion into the following school year. Any 18126
guidelines adopted shall be included in the policy adopted under 18127
this section. 18128

(C) The written policy of each board of education that is 18129
adopted pursuant to section 3313.20 of the Revised Code shall be 18130
posted in a central location in each school that is subject to the 18131
policy and shall be made available to pupils upon request. 18132

(D) Any policy, program, or guideline adopted by a board of 18133
education under this section with regard to suspensions or 18134
expulsions pursuant to division (A) or (B) of section 3313.66 of 18135
the Revised Code shall apply to any student, whether or not the 18136
student is enrolled in the district, attending or otherwise 18137
participating in any curricular program provided in a school 18138
operated by the board or provided on any other property owned or 18139

controlled by the board. 18140

(E) As used in this section, "permanently exclude" and 18141
"permanent exclusion" have the same meanings as in section 18142
3313.662 of the Revised Code. 18143

Sec. 3313.82. (A)(1) The boards of education of two or more 18144
city, local, or exempted village school districts each having a 18145
majority of its territory in a county with a population greater 18146
than one million two hundred thousand, by adopting identical 18147
resolutions, may enter into an agreement providing for the 18148
creation of a student special services district for the purpose of 18149
funding the following for students enrolled in those school 18150
districts, including students diagnosed as autistic and students 18151
with special needs, and their immediate family members: 18152

(a) Special education services; 18153

(b) Behavioral health services for persons with special 18154
needs. 18155

If more than eight boards of education adopt resolutions to 18156
form a student special services district, the boards may meet at 18157
facilities of the educational service center of the county to 18158
discuss membership in the district. 18159

(2) The territory of a student special services district at 18160
any time shall be composed of the combined territories of the 18161
school districts that are parties to the agreement at that time. 18162
Services funded by a student special services district shall be 18163
available to all individuals enrolled in a school district that is 18164
a part of the student special services district and members of 18165
their immediate family. 18166

(3) The agreement may be amended pursuant to terms and 18167
procedures mutually agreed to by the boards of education that are 18168
parties to the agreement. 18169

(B) Each student special services district shall be governed 18170
by a board of directors. The superintendent of each board of 18171
education that is a party to the agreement shall serve on the 18172
board of directors. The agreement shall provide for the terms of 18173
office of directors. Directors shall receive no compensation, but 18174
shall be reimbursed, from the special fund of the student special 18175
services district, for the reasonable and necessary expenses they 18176
incur in the performance of their duties for the district. The 18177
agreement shall provide for the conduct of the board's initial 18178
organizational meeting and for the frequency of subsequent 18179
meetings and quorum requirements. At its first meeting, the board 18180
shall designate from among its members a president and secretary 18181
in the manner provided in the agreement. 18182

The board of directors of a student special services district 18183
is a body corporate and politic, is capable of suing and being 18184
sued, is capable of contracting within the limits of this section 18185
and the agreement governing the district, and is capable of 18186
accepting gifts, donations, bequests, or other grants of money for 18187
use in paying its expenses. The district is a public office and 18188
its directors are public officials within the meaning of section 18189
117.01 of the Revised Code, the board of directors is a public 18190
body within the meaning of section 121.22 of the Revised Code, and 18191
records of the board and of the district are public records within 18192
the meaning of section 149.43 of the Revised Code. 18193

The agreement shall require the board to designate a 18194
permanent location for its offices and meeting place, and may 18195
provide for the use of such facilities and property for the 18196
provision of services by the agencies with which the board 18197
contracts under division (C) of this section. 18198

(C)(1) To provide the services identified in division (A)(1) 18199
of this section, the board of directors of a student special 18200
services district shall provide for the hiring of employees or 18201

shall contract with one or more entities. Except as provided in 18202
division (C)(2) of this section, any entity with which the board 18203
of directors contracts to provide the services identified in 18204
division (A)(1)(b) shall be a qualified nonprofit, nationally 18205
accredited agency to which all of the following apply: 18206

(a) The agency is licensed or certified by the departments of 18207
mental health, job and family services, and alcohol and drug 18208
addiction services. 18209

(b) The agency is chartered by the department of education 18210
and provides services to persons diagnosed with autism. 18211

(c) The agency provides school-based behavioral health 18212
services. 18213

(2) The board of directors may contract with an entity that 18214
does not meet the conditions stated in division (C)(1) of this 18215
section if the services to be provided by the entity are only 18216
incidental to the services identified in division (A)(1)(b) of 18217
this section. 18218

(3) The board of directors may levy a tax throughout the 18219
district as provided in section 5705.219 of the Revised Code. The 18220
board of directors shall provide for the creation of a special 18221
fund to hold the proceeds of any tax levied under section 5705.219 18222
of the Revised Code and any gifts, donations, bequests, or other 18223
grants of money coming into the possession of the district. A 18224
student special services district is a subdivision, and the board 18225
of directors is a governing body, within the meaning of section 18226
135.01 of the Revised Code. The board of directors may not issue 18227
securities or otherwise incur indebtedness. 18228

(4) The adoption or rejection by electors of a tax levy to 18229
fund a student special services district pursuant to section 18230
5705.219 of the Revised Code does not alter the duty of each 18231
school district member of the student special services district to 18232

provide special education and related services as required under 18233
Chapter 3323. of the Revised Code. On the expiration of a student 18234
special services district levy, the state, member school districts 18235
of the student special services district, and any other 18236
governmental entity shall not be obligated to provide replacement 18237
funding for the revenues under the expired levy. The tax levy, in 18238
whole or in part, shall not be considered a levy for current 18239
operating expenses pursuant to division (A) of section 3317.01 of 18240
the Revised Code for any of the school districts that are members 18241
of the student special services district. 18242

(D)(1) The agreement shall provide for the manner of 18243
appointing an individual or entity to perform the duties of fiscal 18244
officer of the student special services district. The agreement 18245
shall specify the length of time the individual or entity shall 18246
perform those duties and whether the individual or entity may be 18247
reappointed upon the completion of a term. The fiscal officer may 18248
receive compensation for performing the duties of the position and 18249
be reimbursed for reasonable expenses of performing those duties 18250
from the student special services district's special fund. 18251

(2) The legal advisor of the board of directors of a student 18252
special services district shall be the prosecuting attorney of the 18253
most populous county containing a school district that is a member 18254
of the student special services district. The prosecuting attorney 18255
shall prosecute all actions against a member of the board of 18256
directors for malfeasance or misfeasance in office and shall be 18257
the legal counsel for the board and its members in all other 18258
actions brought by or against them and shall conduct those actions 18259
in the prosecuting attorney's official capacity. No compensation 18260
in addition to the prosecuting attorney's regular salary shall be 18261
allowed. 18262

(E) The board of directors of a student special services 18263
district shall procure a policy or policies of insurance insuring 18264

the board, the fiscal officer, and the legal representative 18265
against liability on account of damage or injury to persons and 18266
property. Before procuring such insurance the board shall adopt a 18267
resolution setting forth the amount of insurance to be purchased, 18268
the necessity of the insurance, and a statement of its estimated 18269
premium cost. Insurance procured pursuant to this section shall be 18270
from one or more recognized insurance companies authorized to do 18271
business in this state. The cost of the insurance shall be paid 18272
from the district's special fund. 18273

A student special services district is a political 18274
subdivision within the meaning of section 2744.01 of the Revised 18275
Code. 18276

(F)(1) The board of education of a school district having a 18277
majority of its territory in the county may join an existing 18278
student special services district by adopting a resolution 18279
requesting to join as a party to the agreement and upon approval 18280
by the boards of education that currently are parties to the 18281
agreement. If a tax is levied in the student special services 18282
district under section 5705.219 of the Revised Code, a board of 18283
education may join the district only after a majority of qualified 18284
electors in the school district voting on the question vote in 18285
favor of levying the tax throughout the school district. A board 18286
of education joining an existing district shall have the same 18287
powers, rights, and obligations under the agreement as other 18288
boards of education that are parties to the agreement. 18289

(2) A board of education that is a party to an agreement 18290
under this section may withdraw the school district from a student 18291
special services district by adopting a resolution. The withdrawal 18292
shall take effect on the date provided in the resolution. If a tax 18293
is levied in the student special services district under section 18294
5705.219 of the Revised Code, the resolution shall take effect not 18295
later than the first day of January following adoption of the 18296

resolution. Beginning with the first day of January following 18297
adoption of the resolution, any tax levied under section 5705.219 18298
of the Revised Code shall not be levied within the territory of 18299
the withdrawing school district. Any collection of tax levied in 18300
the territory of the withdrawing school district under that 18301
section that has not been settled and distributed when the 18302
resolution takes effect shall be credited to the district's 18303
special fund. 18304

(G) An agreement entered into under this section shall 18305
provide for the manner of the student special services district's 18306
dissolution. The district shall cease to exist when not more than 18307
one school district remains in the district, and the levy of any 18308
tax under section 5705.219 of the Revised Code shall not be 18309
extended on the tax lists in any tax year beginning after the 18310
dissolution of the district. The agreement shall provide that, 18311
upon dissolution of the district, any unexpended balance in the 18312
district's special fund shall be divided among the school 18313
districts that are parties to the agreement immediately before 18314
dissolution in proportion to the taxable valuation of taxable 18315
property in the districts, and credited to their respective 18316
general funds. 18317

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 18318
and division (D) of section 3311.52 of the Revised Code, the 18319
provisions of this section and sections 3313.981 to 3313.983 of 18320
the Revised Code that apply to a city school district do not apply 18321
to a joint vocational or cooperative education school district 18322
unless expressly specified. 18323

(A) As used in this section and sections 3313.981 to 3313.983 18324
of the Revised Code: 18325

(1) "Parent" means either of the natural or adoptive parents 18326
of a student, except under the following conditions: 18327

(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.

(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child.

(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.

(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.

(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.

(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

- (6) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 18359
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- (7) "Adjusted formula amount" means the ~~greater of the following:~~ 18361
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- ~~(a) The fiscal year 2005 formula amount multiplied by the fiscal year 2005 cost of doing business factor for a district defined in the version of section 3317.02 of the Revised Code in effect that year;~~ 18363
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- ~~(b) The sum of (the current formula amount times the current cost of doing business factor as defined in section 3317.02 of the Revised Code)~~ plus the per pupil amount of the base funding 18367
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supplements specified in divisions (C)(1) to (4) of section 18370
3317.012 of the Revised Code. 18371
- (8) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the director of the office of community services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 18372
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- (9) "IEP" means an individualized education program defined by division (E) of section 3323.01 of the Revised Code. 18377
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- (10) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section. 18379
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- (11) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district. 18382
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- (12) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for 18385
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which that student is a native student in accordance with a policy 18389
adopted under section 3313.983 of the Revised Code. 18390

(B)(1) The board of education of each city, local, and 18391
exempted village school district shall adopt a resolution 18392
establishing for the school district one of the following 18393
policies: 18394

(a) A policy that entirely prohibits the enrollment of 18395
students from adjacent districts or other districts, other than 18396
students for whom tuition is paid in accordance with section 18397
3317.08 of the Revised Code; 18398

(b) A policy that permits enrollment of students from all 18399
adjacent districts in accordance with policy statements contained 18400
in the resolution; 18401

(c) A policy that permits enrollment of students from all 18402
other districts in accordance with policy statements contained in 18403
the resolution. 18404

(2) A policy permitting enrollment of students from adjacent 18405
or from other districts, as applicable, shall provide for all of 18406
the following: 18407

(a) Application procedures, including deadlines for 18408
application and for notification of students and the 18409
superintendent of the applicable district whenever an adjacent or 18410
other district student's application is approved. 18411

(b) Procedures for admitting adjacent or other district 18412
applicants free of any tuition obligation to the district's 18413
schools, including, but not limited to: 18414

(i) The establishment of district capacity limits by grade 18415
level, school building, and education program; 18416

(ii) A requirement that all native students wishing to be 18417
enrolled in the district will be enrolled and that any adjacent or 18418

other district students previously enrolled in the district shall 18419
receive preference over first-time applicants; 18420

(iii) Procedures to ensure that an appropriate racial balance 18421
is maintained in the district schools. 18422

(C) Except as provided in section 3313.982 of the Revised 18423
Code, the procedures for admitting adjacent or other district 18424
students, as applicable, shall not include: 18425

(1) Any requirement of academic ability, or any level of 18426
athletic, artistic, or other extracurricular skills; 18427

(2) Limitations on admitting applicants because of 18428
handicapping conditions, except that a board may refuse to admit a 18429
student receiving services under Chapter 3323. of the Revised 18430
Code, if the services described in the student's IEP are not 18431
available in the district's schools; 18432

(3) A requirement that the student be proficient in the 18433
English language; 18434

(4) Rejection of any applicant because the student has been 18435
subject to disciplinary proceedings, except that if an applicant 18436
has been suspended or expelled by the student's district for ten 18437
consecutive days or more in the term for which admission is sought 18438
or in the term immediately preceding the term for which admission 18439
is sought, the procedures may include a provision denying 18440
admission of such applicant. 18441

(D)(1) Each school board permitting only enrollment of 18442
adjacent district students shall provide information about the 18443
policy adopted under this section, including the application 18444
procedures and deadlines, to the superintendent and the board of 18445
education of each adjacent district and, upon request, to the 18446
parent of any adjacent district student. 18447

(2) Each school board permitting enrollment of other district 18448

students shall provide information about the policy adopted under 18449
this section, including the application procedures and deadlines, 18450
upon request, to the board of education of any other school 18451
district or to the parent of any student anywhere in the state. 18452

(E) Any school board shall accept all credits toward 18453
graduation earned in adjacent or other district schools by an 18454
adjacent or other district student or a native student. 18455

(F)(1) No board of education may adopt a policy discouraging 18456
or prohibiting its native students from applying to enroll in the 18457
schools of an adjacent or any other district that has adopted a 18458
policy permitting such enrollment, except that: 18459

(a) A district may object to the enrollment of a native 18460
student in an adjacent or other district in order to maintain an 18461
appropriate racial balance. 18462

(b) The board of education of a district receiving funds 18463
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 18464
may adopt a resolution objecting to the enrollment of its native 18465
students in adjacent or other districts if at least ten per cent 18466
of its students are included in the determination of the United 18467
States secretary of education made under section 20 U.S.C.A. 18468
238(a). 18469

(2) If a board objects to enrollment of native students under 18470
this division, any adjacent or other district shall refuse to 18471
enroll such native students unless tuition is paid for the 18472
students in accordance with section 3317.08 of the Revised Code. 18473
An adjacent or other district enrolling such students may not 18474
receive funding for those students in accordance with section 18475
3313.981 of the Revised Code. 18476

(G) The state board of education shall monitor school 18477
districts to ensure compliance with this section and the 18478
districts' policies. The board may adopt rules requiring uniform 18479

application procedures, deadlines for application, notification 18480
procedures, and record-keeping requirements for all school boards 18481
that adopt policies permitting the enrollment of adjacent or other 18482
district students, as applicable. If the state board adopts such 18483
rules, no school board shall adopt a policy that conflicts with 18484
those rules. 18485

(H) A resolution adopted by a board of education under this 18486
section that entirely prohibits the enrollment of students from 18487
adjacent and from other school districts does not abrogate any 18488
agreement entered into under section 3313.841 or 3313.92 of the 18489
Revised Code or any contract entered into under section 3313.90 of 18490
the Revised Code between the board of education adopting the 18491
resolution and the board of education of any adjacent or other 18492
district or prohibit these boards of education from entering into 18493
any such agreement or contract. 18494

(I) Nothing in this section shall be construed to permit or 18495
require the board of education of a city, exempted village, or 18496
local school district to exclude any native student of the 18497
district from enrolling in the district. 18498

Sec. 3314.015. (A) The department of education shall be 18499
responsible for the oversight of sponsors of the community schools 18500
established under this chapter and shall provide technical 18501
assistance to schools and sponsors in their compliance with 18502
applicable laws and the terms of the contracts entered into under 18503
section 3314.03 of the Revised Code and in the development and 18504
start-up activities of those schools. In carrying out its duties 18505
under this section, the department shall do all of the following: 18506

(1) In providing technical assistance to proposing parties, 18507
governing authorities, and sponsors, conduct training sessions and 18508
distribute informational materials; 18509

(2) Approve entities to be sponsors of community schools and 18510

monitor the effectiveness of those sponsors in their oversight of 18511
the schools with which they have contracted; 18512

(3) By December thirty-first of each year, issue a report to 18513
the governor, the speaker of the house of representatives, the 18514
president of the senate, and the chairpersons of the house and 18515
senate committees principally responsible for education matters 18516
regarding the effectiveness of academic programs, operations, and 18517
legal compliance and of the financial condition of all community 18518
schools established under this chapter; 18519

(4) From time to time, make legislative recommendations to 18520
the general assembly designed to enhance the operation and 18521
performance of community schools. 18522

(B)(1) No entity listed in division (C)(1) of section 3314.02 18523
of the Revised Code shall enter into a preliminary agreement under 18524
division (C)(2) of section 3314.02 of the Revised Code until it 18525
has received approval from the department of education to sponsor 18526
community schools under this chapter and has entered into a 18527
written agreement with the department regarding the manner in 18528
which the entity will conduct such sponsorship. The department 18529
shall adopt in accordance with Chapter 119. of the Revised Code 18530
rules containing criteria, procedures, and deadlines for 18531
processing applications for such approval, for oversight of 18532
sponsors, for revocation of the approval of sponsors, and for 18533
entering into written agreements with sponsors. The rules shall 18534
require an entity to submit evidence of the entity's ability and 18535
willingness to comply with the provisions of division (D) of 18536
section 3314.03 of the Revised Code. The rules also shall require 18537
entities approved as sponsors on and after June 30, 2005, to 18538
demonstrate a record of financial responsibility and successful 18539
implementation of educational programs. If an entity seeking 18540
approval on or after June 30, 2005, to sponsor community schools 18541
in this state sponsors or operates schools in another state, at 18542

least one of the schools sponsored or operated by the entity must 18543
be comparable to or better than the performance of Ohio schools in 18544
~~a state of academic watch~~ need of continuous improvement under 18545
section 3302.03 of the Revised Code, as determined by the 18546
department. 18547

An entity that sponsors community schools may enter into 18548
preliminary agreements and sponsor schools as follows, provided 18549
each school and the contract for sponsorship meets the 18550
requirements of this chapter: 18551

(a) An entity that sponsored fifty or fewer schools that were 18552
open for operation as of May 1, 2005, may sponsor not more than 18553
fifty schools. 18554

(b) An entity that sponsored more than fifty but not more 18555
than seventy-five schools that were open for operation as of May 18556
1, 2005, may sponsor not more than the number of schools the 18557
entity sponsored that were open for operation as of May 1, 2005. 18558

(c) Until June 30, 2006, an entity that sponsored more than 18559
seventy-five schools that were open for operation as of May 1, 18560
2005, may sponsor not more than the number of schools the entity 18561
sponsored that were open for operation as of May 1, 2005. After 18562
June 30, 2006, such an entity may sponsor not more than 18563
seventy-five schools. 18564

Upon approval of an entity to be a sponsor under this 18565
division, the department shall notify the entity of the number of 18566
schools the entity may sponsor. 18567

The limit imposed on an entity to which division (B)(1) of 18568
this section applies shall be decreased by one for each school 18569
sponsored by the entity that permanently closes. 18570

If at any time an entity exceeds the number of schools it may 18571
sponsor under this division, the department shall assist the 18572
schools in excess of the entity's limit in securing new sponsors. 18573

If a school is unable to secure a new sponsor, the department 18574
shall assume sponsorship of the school in accordance with division 18575
(C) of this section. Those schools for which another sponsor or 18576
the department assumes sponsorship shall be the schools that most 18577
recently entered into contracts with the entity under section 18578
3314.03 of the Revised Code. 18579

(2) The department of education shall determine, pursuant to 18580
criteria adopted by rule of the department, whether the mission 18581
proposed to be specified in the contract of a community school to 18582
be sponsored by a state university board of trustees or the 18583
board's designee under division (C)(1)(e) of section 3314.02 of 18584
the Revised Code complies with the requirements of that division. 18585
Such determination of the department is final. 18586

(3) The department of education shall determine, pursuant to 18587
criteria adopted by rule of the department, if any tax-exempt 18588
entity under section 501(c)(3) of the Internal Revenue Code that 18589
is proposed to be a sponsor of a community school is an 18590
education-oriented entity for purpose of satisfying the condition 18591
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 18592
Revised Code. Such determination of the department is final. 18593

(C) If at any time the state board of education finds that a 18594
sponsor is not in compliance or is no longer willing to comply 18595
with its contract with any community school or with the 18596
department's rules for sponsorship, the state board or designee 18597
shall conduct a hearing in accordance with Chapter 119. of the 18598
Revised Code on that matter. If after the hearing, the state board 18599
or designee has confirmed the original finding, the department of 18600
education may revoke the sponsor's approval to sponsor community 18601
schools and may assume the sponsorship of any schools with which 18602
the sponsor has contracted until the earlier of the expiration of 18603
two school years or until a new sponsor as described in division 18604
(C)(1) of section 3314.02 of the Revised Code is secured by the 18605

school's governing authority. The department may extend the term 18606
of the contract in the case of a school for which it has assumed 18607
sponsorship under this division as necessary to accommodate the 18608
term of the department's authorization to sponsor the school 18609
specified in this division. 18610

(D) The decision of the department to disapprove an entity 18611
for sponsorship of a community school or to revoke approval for 18612
such sponsorship, as provided in division (C) of this section, may 18613
be appealed by the entity in accordance with section 119.12 of the 18614
Revised Code. 18615

(E) The department shall adopt procedures for use by a 18616
community school governing authority and sponsor when the school 18617
permanently closes and ceases operation, which shall include at 18618
least procedures for data reporting to the department, handling of 18619
student records, distribution of assets in accordance with section 18620
3314.074 of the Revised Code, and other matters related to ceasing 18621
operation of the school. 18622

(F) In carrying out its duties under this chapter, the 18623
department shall not impose requirements on community schools or 18624
their sponsors that are not permitted by law or duly adopted 18625
rules. 18626

Sec. 3314.016. (A) After June 30, 2007, a new start-up school 18627
may be established under this chapter only if the school's 18628
governing authority enters into a contract with an operator that 18629
manages other schools in the United States that perform at a level 18630
higher than academic watch. The governing authority of the 18631
community school may sign a contract with an operator only if the 18632
operator has fewer contracts with the governing authorities of new 18633
start-up schools established under this chapter after June 30, 18634
2007, than the number of schools managed by the operator in the 18635
United States that perform at a level higher than academic watch, 18636

as determined by the department of education. 18637

(B) Notwithstanding division (A) of this section, the 18638
governing authority of a start-up school sponsored by an entity 18639
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 18640
Revised Code may establish one additional school serving the same 18641
grade levels and providing the same educational program as the 18642
current start-up school and may open that additional school in the 18643
2007-2008 school year, if both of the following conditions are 18644
met: 18645

(1) The governing authority entered into another contract 18646
with the same sponsor or a different sponsor described in 18647
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 18648
and filed a copy of that contract with the superintendent of 18649
public instruction prior to March 15, 2006. 18650

(2) The governing authority's current school satisfies all of 18651
the following conditions: 18652

(a) The school currently is rated as excellent or effective 18653
pursuant to section 3302.03 of the Revised Code. 18654

(b) The school made adequate yearly progress, as defined in 18655
section 3302.01 of the Revised Code, for the previous school year. 18656

(c) The school has been in operation for at least four school 18657
years. 18658

(d) The school is not managed by an operator. 18659

Sec. 3314.02. (A) As used in this chapter: 18660

(1) "Sponsor" means an entity listed in division (C)(1) of 18661
this section, which has been approved by the department of 18662
education to sponsor community schools and with which the 18663
governing authority of the proposed community school enters into a 18664
contract pursuant to this section. 18665

- (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. 18666
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- (3) "Challenged school district" means any of the following: 18670
- (a) A school district that is part of the pilot project area; 18671
- (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; 18672
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- (c) A big eight school district. 18675
- (4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 18676
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- (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; 18678
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- (b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code. 18682
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- (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. 18685
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- (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. 18689
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- (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 18693
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assignments in nonclassroom-based learning opportunities provided 18696
via an internet- or other computer-based instructional method that 18697
does not rely on regular classroom instruction or via 18698
comprehensive instructional methods that include internet-based, 18699
other computer-based, and noncomputer-based learning 18700
opportunities. 18701

(B) Any person or group of individuals may initially propose 18702
under this division the conversion of all or a portion of a public 18703
school to a community school. The proposal shall be made to the 18704
board of education of the city, local, or exempted village school 18705
district in which the public school is proposed to be converted. 18706
Upon receipt of a proposal, a board may enter into a preliminary 18707
agreement with the person or group proposing the conversion of the 18708
public school, indicating the intention of the board of education 18709
to support the conversion to a community school. A proposing 18710
person or group that has a preliminary agreement under this 18711
division may proceed to finalize plans for the school, establish a 18712
governing authority for the school, and negotiate a contract with 18713
the board of education. Provided the proposing person or group 18714
adheres to the preliminary agreement and all provisions of this 18715
chapter, the board of education shall negotiate in good faith to 18716
enter into a contract in accordance with section 3314.03 of the 18717
Revised Code and division (C) of this section. 18718

(C)(1) Any person or group of individuals may propose under 18719
this division the establishment of a new start-up school to be 18720
located in a challenged school district. The proposal may be made 18721
to any of the following entities: 18722

(a) The board of education of the district in which the 18723
school is proposed to be located; 18724

(b) The board of education of any joint vocational school 18725
district with territory in the county in which is located the 18726
majority of the territory of the district in which the school is 18727

proposed to be located; 18728

(c) The board of education of any other city, local, or 18729
exempted village school district having territory in the same 18730
county where the district in which the school is proposed to be 18731
located has the major portion of its territory; 18732

(d) The governing board of any educational service center, as 18733
long as the proposed school will be located in a county within the 18734
territory of the service center or in a county contiguous to such 18735
county; 18736

(e) A sponsoring authority designated by the board of 18737
trustees of any of the thirteen state universities listed in 18738
section 3345.011 of the Revised Code or the board of trustees 18739
itself as long as a mission of the proposed school to be specified 18740
in the contract under division (A)(2) of section 3314.03 of the 18741
Revised Code and as approved by the department of education under 18742
division (B)(2) of section 3314.015 of the Revised Code will be 18743
the practical demonstration of teaching methods, educational 18744
technology, or other teaching practices that are included in the 18745
curriculum of the university's teacher preparation program 18746
approved by the state board of education; 18747

(f) Any qualified tax-exempt entity under section 501(c)(3) 18748
of the Internal Revenue Code as long as all of the following 18749
conditions are satisfied: 18750

(i) The entity has been in operation for at least five years 18751
prior to applying to be a community school sponsor. 18752

(ii) The entity has assets of at least five hundred thousand 18753
dollars and a demonstrated record of financial responsibility. 18754

(iii) The department of education has determined that the 18755
entity is an education-oriented entity under division (B)(3) of 18756
section 3314.015 of the Revised Code and the entity has a 18757
demonstrated record of successful implementation of educational 18758

programs. 18759

(iv) The entity is not a community school. 18760

Any entity described in division (C)(1) of this section may 18761
enter into a preliminary agreement pursuant to division (C)(2) of 18762
this section with the proposing person or group. 18763

(2) A preliminary agreement indicates the intention of an 18764
entity described in division (C)(1) of this section to sponsor the 18765
community school. A proposing person or group that has such a 18766
preliminary agreement may proceed to finalize plans for the 18767
school, establish a governing authority as described in division 18768
(E) of this section for the school, and negotiate a contract with 18769
the entity. Provided the proposing person or group adheres to the 18770
preliminary agreement and all provisions of this chapter, the 18771
entity shall negotiate in good faith to enter into a contract in 18772
accordance with section 3314.03 of the Revised Code. 18773

(3) A new start-up school that is established in a school 18774
district while that district is either in a state of academic 18775
emergency or in a state of academic watch under section 3302.03 of 18776
the Revised Code may continue in existence once the school 18777
district is no longer in a state of academic emergency or academic 18778
watch, provided there is a valid contract between the school and a 18779
sponsor. 18780

(4) A copy of every preliminary agreement entered into under 18781
this division shall be filed with the superintendent of public 18782
instruction. 18783

(D) A majority vote of the board of a sponsoring entity and a 18784
majority vote of the members of the governing authority of a 18785
community school shall be required to adopt a contract and convert 18786
the public school to a community school or establish the new 18787
start-up school. Beginning September 29, 2005, adoption of the 18788
contract shall occur not later than the fifteenth day of March, 18789

and signing of the contract shall occur not later than the 18790
fifteenth day of May, prior to the school year in which the school 18791
will open. The governing authority shall notify the department of 18792
education when the contract has been signed. Subject to sections 18793
3314.013 ~~and~~, 3314.014, ~~and~~ 3314.016 of the Revised Code, an 18794
unlimited number of community schools may be established in any 18795
school district provided that a contract is entered into for each 18796
community school pursuant to this chapter. 18797

(E)(1) As used in this division, "immediate relatives" are 18798
limited to spouses, children, parents, grandparents, siblings, and 18799
in-laws. 18800

Each new start-up community school established under this 18801
chapter shall be under the direction of a governing authority 18802
which shall consist of a board of not less than five individuals . 18803

No person shall serve on the governing authority or operate 18804
the community school under contract with the governing authority 18805
so long as the person owes the state any money or is in a dispute 18806
over whether the person owes the state any money concerning the 18807
operation of a community school that has closed. 18808

(2) No person shall serve on the governing authorities of 18809
more than two start-up community schools at the same time. 18810

(3) No present or former member, or immediate relative of a 18811
present or former member, of the governing authority of any 18812
community school established under this chapter shall be an owner, 18813
employee, or consultant of any nonprofit or for-profit operator of 18814
a community school, ~~as defined in section 3314.014 of the Revised~~ 18815
~~Code,~~ unless at least one year has elapsed since the conclusion of 18816
the person's membership. 18817

(F) Nothing in this chapter shall be construed to permit the 18818
establishment of a community school in more than one school 18819
district under the same contract. 18820

(G)(1) A new start-up school that is established prior to 18821
August 15, 2003, in an urban school district that is not also a 18822
big-eight school district may continue to operate after that date 18823
and the contract between the school's governing authority and the 18824
school's sponsor may be renewed, as provided under this chapter, 18825
after that date, but no additional new start-up schools may be 18826
established in such a district unless the district is a challenged 18827
school district as defined in this section as it exists on and 18828
after that date. 18829

(2) A community school that was established prior to June 29, 18830
1999, and is located in a county contiguous to the pilot project 18831
area and in a school district that is not a challenged school 18832
district may continue to operate after that date, provided the 18833
school complies with all provisions of this chapter. The contract 18834
between the school's governing authority and the school's sponsor 18835
may be renewed, but no additional start-up community school may be 18836
established in that district unless the district is a challenged 18837
school district. 18838

(3) Any educational service center that, on the effective 18839
date of this amendment, sponsors a community school that is not 18840
located in a county within the territory of the service center or 18841
in a county contiguous to such county may continue to sponsor that 18842
community school on and after the effective date of this amendment 18843
and may renew its contract with the school. However, the 18844
educational service center shall not enter into a contract with 18845
any additional community school unless the school is located in a 18846
county within the territory of the service center or in a county 18847
contiguous to such county. 18848

Sec. 3314.074. Divisions (A) and (B) of this section apply 18849
only to the extent permitted under Chapter 1702. of the Revised 18850
Code. 18851

(A) If any community school established under this chapter 18852
permanently closes and ceases its operation as a community school, 18853
the assets of that school shall be distributed first to the 18854
retirement funds of employees of the school, employees of the 18855
school, and private creditors who are owed compensation, and then 18856
any remaining funds shall be paid to the ~~state treasury to the~~ 18857
~~credit of the general revenue fund~~ department of education for 18858
redistribution to the school districts in which the students who 18859
were enrolled in the school at the time it ceased operation were 18860
entitled to attend school under section 3313.64 or 3313.65 of the 18861
Revised Code. The amount distributed to each school district shall 18862
be proportional to the district's share of the total enrollment in 18863
the community school. 18864

(B) If a community school closes and ceases to operate as a 18865
community school and the school has received computer hardware or 18866
software from the former Ohio SchoolNet commission or the eTech 18867
Ohio commission, such hardware or software shall be returned to 18868
the eTech Ohio commission, and the eTech Ohio commission shall 18869
redistribute the hardware and software, to the extent such 18870
redistribution is possible, to school districts in conformance 18871
with the provisions of the programs operated and administered by 18872
the eTech Ohio commission. 18873

(C) If the assets of the school are insufficient to pay all 18874
persons or entities to whom compensation is owed, the 18875
prioritization of the distribution of the assets to individual 18876
persons or entities within each class of payees may be determined 18877
by decree of a court in accordance with this section and Chapter 18878
1702. of the Revised Code. 18879

Sec. 3314.08. (A) As used in this section: 18880

(1) "Base formula amount" means the amount specified as such 18881
in a community school's financial plan for a school year pursuant 18882

to division (A)(15) of section 3314.03 of the Revised Code. 18883

~~(2) "Cost of doing business factor" has the same meaning as~~ 18884
~~in section 3317.02 of the Revised Code.~~ 18885

~~(3)~~ "IEP" means an individualized education program as 18886
defined in section 3323.01 of the Revised Code. 18887

~~(4)~~(3) "Applicable special education weight" means the 18888
multiple specified in section 3317.013 of the Revised Code for a 18889
handicap described in that section. 18890

~~(5)~~(4) "Applicable vocational education weight" means: 18891

(a) For a student enrolled in vocational education programs 18892
or classes described in division (A) of section 3317.014 of the 18893
Revised Code, the multiple specified in that division; 18894

(b) For a student enrolled in vocational education programs 18895
or classes described in division (B) of section 3317.014 of the 18896
Revised Code, the multiple specified in that division. 18897

~~(6)~~(5) "Entitled to attend school" means entitled to attend 18898
school in a district under section 3313.64 or 3313.65 of the 18899
Revised Code. 18900

~~(7)~~(6) A community school student is "included in the poverty 18901
student count" of a school district if the student is entitled to 18902
attend school in the district and the student's family receives 18903
assistance under the Ohio works first program. 18904

~~(8)~~(7) "Poverty-based assistance reduction factor" means the 18905
percentage figure, if any, for reducing the per pupil amount of 18906
poverty-based assistance a community school is entitled to receive 18907
pursuant to divisions (D)(5) ~~and (6)~~ to (9) of this section in any 18908
year, as specified in the school's financial plan for the year 18909
pursuant to division (A)(15) of section 3314.03 of the Revised 18910
Code. 18911

~~(9)~~(8) "All-day kindergarten" has the same meaning as in 18912

section 3317.029 of the Revised Code. 18913

~~(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.~~ 18914
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(B) The state board of education shall adopt rules requiring both of the following: 18924
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(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. 18926
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(2) The governing authority of each community school established under this chapter to annually report all of the following: 18936
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(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; 18939
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(b) The number of enrolled students in grades one through 18943

twelve and the number of enrolled students in kindergarten, who	18944
are receiving special education and related services pursuant to	18945
an IEP;	18946
(c) The number of students reported under division (B)(2)(b)	18947
of this section receiving special education and related services	18948
pursuant to an IEP for a handicap described in each of divisions	18949
(A) to (F) of section 3317.013 of the Revised Code;	18950
(d) The full-time equivalent number of students reported	18951
under divisions (B)(2)(a) and (b) of this section who are enrolled	18952
in vocational education programs or classes described in each of	18953
divisions (A) and (B) of section 3317.014 of the Revised Code that	18954
are provided by the community school;	18955
(e) Twenty per cent of the number of students reported under	18956
divisions (B)(2)(a) and (b) of this section who are not reported	18957
under division (B)(2)(d) of this section but who are enrolled in	18958
vocational education programs or classes described in each of	18959
divisions (A) and (B) of section 3317.014 of the Revised Code at a	18960
joint vocational school district under a contract between the	18961
community school and the joint vocational school district and are	18962
entitled to attend school in a city, local, or exempted village	18963
school district whose territory is part of the territory of the	18964
joint vocational district;	18965
(f) The number of enrolled preschool handicapped students	18966
receiving special education services in a state-funded unit;	18967
(g) The community school's base formula amount;	18968
(h) For each student, the city, exempted village, or local	18969
school district in which the student is entitled to attend school;	18970
(i) Any poverty-based assistance reduction factor that	18971
applies to a school year.	18972
(C) From the SF-3 payment made to <u>state education aid</u>	18973

calculated for a city, exempted village, or local school district 18974
and, if necessary, from the payment made to the district under 18975
sections 321.24 and 323.156 of the Revised Code, the department of 18976
education shall annually subtract the sum of the amounts described 18977
in divisions (C)(1) to (9) of this section. However, when 18978
deducting payments on behalf of students enrolled in internet- or 18979
computer-based community schools, the department shall deduct only 18980
those amounts described in divisions (C)(1) and (2) of this 18981
section. Furthermore, the aggregate amount deducted under this 18982
division shall not exceed the sum of the district's ~~SF-3 payment~~ 18983
state education aid and its payment under sections 321.24 and 18984
323.156 of the Revised Code. 18985

(1) An amount equal to the sum of the amounts obtained when, 18986
for each community school where the district's students are 18987
enrolled, the number of the district's students reported under 18988
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 18989
in grades one through twelve, and one-half the number of students 18990
reported under those divisions who are enrolled in kindergarten, 18991
in that community school is multiplied by the ~~greater of the~~ 18992
~~following:~~ 18993

~~(a) The fiscal year 2005 base formula amount of that 18994
community school as adjusted by the school district's fiscal year 18995
2005 cost of doing business factor;~~ 18996

~~(b) The sum of (the ~~current~~ base formula amount of that 18997
community school ~~times the school district's current~~ 18998
~~cost of doing business factor~~) plus the per pupil amount of the 18999
base funding supplements specified in divisions (C)(1) to (4) of 19000
section 3317.012 of the Revised Code. 19001~~

(2) The sum of the amounts calculated under divisions 19002
(C)(2)(a) and (b) of this section: 19003

(a) For each of the district's students reported under 19004

division (B)(2)(c) of this section as enrolled in a community 19005
school in grades one through twelve and receiving special 19006
education and related services pursuant to an IEP for a handicap 19007
described in section 3317.013 of the Revised Code, the product of 19008
the applicable special education weight times the community 19009
school's base formula amount; 19010

(b) For each of the district's students reported under 19011
division (B)(2)(c) of this section as enrolled in kindergarten in 19012
a community school and receiving special education and related 19013
services pursuant to an IEP for a handicap described in section 19014
3317.013 of the Revised Code, one-half of the amount calculated as 19015
prescribed in division (C)(2)(a) of this section. 19016

(3) For each of the district's students reported under 19017
division (B)(2)(d) of this section for whom payment is made under 19018
division (D)(4) of this section, the amount of that payment; 19019

(4) An amount equal to the sum of the amounts obtained when, 19020
for each community school where the district's students are 19021
enrolled, the number of the district's students enrolled in that 19022
community school who are included in the district's poverty 19023
student count is multiplied by the per pupil amount of 19024
poverty-based assistance the school district receives that year 19025
pursuant to division ~~(B) or~~ (C) of section 3317.029 of the Revised 19026
Code, as adjusted by any poverty-based assistance reduction factor 19027
of that community school. ~~If the district receives poverty based~~ 19028
~~assistance under division (B) of that section, the per pupil~~ 19029
~~amount of that aid is the quotient of the amount the district~~ 19030
~~received under that division divided by the district's poverty~~ 19031
~~student count, as defined in that section. If the district~~ 19032
~~receives poverty based assistance under division (C) of section~~ 19033
~~3317.029 of the Revised Code, the~~ The per pupil amount of that aid 19034
for the district shall be calculated by the department. 19035

(5) An amount equal to the sum of the amounts obtained when, 19036

for each community school where the district's students are 19037
enrolled, the district's per pupil amount of aid received under 19038
division (E) of section 3317.029 of the Revised Code, as adjusted 19039
by any poverty-based assistance reduction factor of the community 19040
school, is multiplied by the sum of the following: 19041

(a) The number of the district's students reported under 19042
division (B)(2)(a) of this section who are enrolled in grades one 19043
to three in that community school and who are not receiving 19044
special education and related services pursuant to an IEP; 19045

(b) One-half of the district's students who are enrolled in 19046
all-day or any other kindergarten class in that community school 19047
and who are not receiving special education and related services 19048
pursuant to an IEP; 19049

(c) One-half of the district's students who are enrolled in 19050
all-day kindergarten in that community school and who are not 19051
receiving special education and related services pursuant to an 19052
IEP. 19053

The district's per pupil amount of aid under division (E) of 19054
section 3317.029 of the Revised Code is the quotient of the amount 19055
the district received under that division divided by the 19056
district's kindergarten through third grade ADM, as defined in 19057
that section. 19058

(6) An amount equal to the sum of the amounts obtained when, 19059
for each community school where the district's students are 19060
enrolled, the district's per pupil amount received under division 19061
(F) of section 3317.029 of the Revised Code, as adjusted by any 19062
poverty-based assistance reduction factor of that community 19063
school, is multiplied by the number of the district's students 19064
enrolled in the community school who are identified as 19065
limited-English proficient. 19066

(7) An amount equal to the sum of the amounts obtained when, 19067

for each community school where the district's students are 19068
enrolled, the district's per pupil amount received under division 19069
(G) of section 3317.029 of the Revised Code, as adjusted by any 19070
poverty-based assistance reduction factor of that community 19071
school, is multiplied by the sum of the following: 19072

(a) The number of the district's students enrolled in grades 19073
one through twelve in that community school; 19074

(b) One-half of the number of the district's students 19075
enrolled in kindergarten in that community school. 19076

The district's per pupil amount under division (G) of section 19077
3317.029 of the Revised Code is the district's amount per teacher 19078
calculated under division (G)(1) or (2) of that section divided by 19079
~~17, times a multiple of 0.40 in fiscal year 2006 and 0.70 in~~ 19080
~~fiscal year 2007.~~ 19081

(8) An amount equal to the sum of the amounts obtained when, 19082
for each community school where the district's students are 19083
enrolled, the district's per pupil amount received under divisions 19084
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 19085
by any poverty-based assistance reduction factor of that community 19086
school, is multiplied by the sum of the following: 19087

(a) The number of the district's students enrolled in grades 19088
one through twelve in that community school; 19089

(b) One-half of the number of the district's students 19090
enrolled in kindergarten in that community school. 19091

The district's per pupil amount under divisions (H) and (I) 19092
of section 3317.029 of the Revised Code is the amount calculated 19093
under each division divided by the district's formula ADM, as 19094
defined in section 3317.02 of the Revised Code. 19095

(9) An amount equal to the per pupil state parity aid funding 19096
calculated for the school district under either division (C) or 19097

(D) of section 3317.0217 of the Revised Code multiplied by the sum 19098
of the number of students in grades one through twelve, and 19099
one-half of the number of students in kindergarten, who are 19100
entitled to attend school in the district and are enrolled in a 19101
community school as reported under division (B)(1) of this 19102
section. 19103

(D) The department shall annually pay to a community school 19104
established under this chapter the sum of the amounts described in 19105
divisions (D)(1) to (10) of this section. However, the department 19106
shall calculate and pay to each internet- or computer-based 19107
community school only the amounts described in divisions (D)(1) to 19108
(3) of this section. Furthermore, the sum of the payments to all 19109
community schools under divisions (D)(1), (2), and (4) to (10) of 19110
this section for the students entitled to attend school in any 19111
particular school district shall not exceed the sum of that 19112
district's ~~SF-3 payment~~ state education aid and its payment under 19113
sections 321.24 and 323.156 of the Revised Code. If the sum of the 19114
payments calculated under those divisions for the students 19115
entitled to attend school in a particular school district exceeds 19116
the sum of that district's ~~SF-3 payment~~ state education aid and 19117
its payment under sections 321.24 and 323.156 of the Revised Code, 19118
the department shall calculate and apply a proration factor to the 19119
payments to all community schools under those divisions for the 19120
students entitled to attend school in that district. 19121

(1) Subject to section 3314.085 of the Revised Code, an 19122
amount equal to the sum of the amounts obtained when the number of 19123
students enrolled in grades one through twelve, plus one-half of 19124
the kindergarten students in the school, reported under divisions 19125
(B)(2)(a), (b), and (e) of this section who are not receiving 19126
special education and related services pursuant to an IEP for a 19127
handicap described in section 3317.013 of the Revised Code is 19128
multiplied by the ~~greater of the following:~~ 19129

~~(a) The community school's fiscal year 2005 base formula amount, as adjusted by the fiscal year 2005 cost of doing business factor of the school district in which the student is entitled to attend school;~~

~~(b) The sum of (the community school's current base formula amount times the current cost of doing business factor of the school district in which the student is entitled to attend school)~~ plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.

(2) Prior to fiscal year 2007, the greater of the amount calculated under division (D)(2)(a) or (b) of this section, and in fiscal year 2007 and thereafter, the amount calculated under division (D)(2)(b) of this section:

(a) The aggregate amount that the department paid to the community school in fiscal year 1999 for students receiving special education and related services pursuant to IEPs, excluding federal funds and state disadvantaged pupil impact aid funds;

(b) The sum of the amounts calculated under divisions (D)(2)(b)(i) and (ii) of this section:

(i) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, the following amount:

~~the greater of (the community school's fiscal year 2005 base formula amount X the fiscal year 2005 cost of doing business factor of the district where the student is entitled to attend school)~~
~~or (the school's current base formula amount times the current cost of doing business factor of the school district~~

~~where the student is entitled to attend school)~~ plus 19161
the per pupil amount of the base funding supplements specified in 19162
divisions (C)(1) to (4) of section 3317.012 of the Revised Code~~l~~ 19163
+ (the applicable special education weight X the 19164
community school's base formula amount); 19165

(ii) For each student reported under division (B)(2)(c) of 19166
this section as enrolled in kindergarten and receiving special 19167
education and related services pursuant to an IEP for a handicap 19168
described in section 3317.013 of the Revised Code, one-half of the 19169
amount calculated under the formula prescribed in division 19170
(D)(2)(b)(i) of this section. 19171

(3) An amount received from federal funds to provide special 19172
education and related services to students in the community 19173
school, as determined by the superintendent of public instruction. 19174

(4) For each student reported under division (B)(2)(d) of 19175
this section as enrolled in vocational education programs or 19176
classes that are described in section 3317.014 of the Revised 19177
Code, are provided by the community school, and are comparable as 19178
determined by the superintendent of public instruction to school 19179
district vocational education programs and classes eligible for 19180
state weighted funding under section 3317.014 of the Revised Code, 19181
an amount equal to the applicable vocational education weight 19182
times the community school's base formula amount times the 19183
percentage of time the student spends in the vocational education 19184
programs or classes. 19185

(5) An amount equal to the sum of the amounts obtained when, 19186
for each school district where the community school's students are 19187
entitled to attend school, the number of that district's students 19188
enrolled in the community school who are included in the 19189
district's poverty student count is multiplied by the per pupil 19190
amount of poverty-based assistance that school district receives 19191
that year pursuant to division ~~(B) or~~ (C) of section 3317.029 of 19192

the Revised Code, as adjusted by any poverty-based assistance 19193
reduction factor of the community school. The per pupil amount of 19194
aid shall be determined as described in division (C)(4) of this 19195
section. 19196

(6) An amount equal to the sum of the amounts obtained when, 19197
for each school district where the community school's students are 19198
entitled to attend school, the district's per pupil amount of aid 19199
received under division (E) of section 3317.029 of the Revised 19200
Code, as adjusted by any poverty-based assistance reduction factor 19201
of the community school, is multiplied by the sum of the 19202
following: 19203

(a) The number of the district's students reported under 19204
division (B)(2)(a) of this section who are enrolled in grades one 19205
to three in that community school and who are not receiving 19206
special education and related services pursuant to an IEP; 19207

(b) One-half of the district's students who are enrolled in 19208
all-day or any other kindergarten class in that community school 19209
and who are not receiving special education and related services 19210
pursuant to an IEP; 19211

(c) One-half of the district's students who are enrolled in 19212
all-day kindergarten in that community school and who are not 19213
receiving special education and related services pursuant to an 19214
IEP. 19215

The district's per pupil amount of aid under division (E) of 19216
section 3317.029 of the Revised Code shall be determined as 19217
described in division (C)(5) of this section. 19218

(7) An amount equal to the sum of the amounts obtained when, 19219
for each school district where the community school's students are 19220
entitled to attend school, the number of that district's students 19221
enrolled in the community school who are identified as 19222
limited-English proficient is multiplied by the district's per 19223

pupil amount received under division (F) of section 3317.029 of 19224
the Revised Code, as adjusted by any poverty-based assistance 19225
reduction factor of the community school. 19226

(8) An amount equal to the sum of the amounts obtained when, 19227
for each school district where the community school's students are 19228
entitled to attend school, the district's per pupil amount 19229
received under division (G) of section 3317.029 of the Revised 19230
Code, as adjusted by any poverty-based assistance reduction factor 19231
of the community school, is multiplied by the sum of the 19232
following: 19233

(a) The number of the district's students enrolled in grades 19234
one through twelve in that community school; 19235

(b) One-half of the number of the district's students 19236
enrolled in kindergarten in that community school. 19237

The district's per pupil amount under division (G) of section 19238
3317.029 of the Revised Code shall be determined as described in 19239
division (C)(7) of this section. 19240

(9) An amount equal to the sum of the amounts obtained when, 19241
for each school district where the community school's students are 19242
entitled to attend school, the district's per pupil amount 19243
received under divisions (H) and (I) of section 3317.029 of the 19244
Revised Code, as adjusted by any poverty-based assistance 19245
reduction factor of the community school, is multiplied by the sum 19246
of the following: 19247

(a) The number of the district's students enrolled in grades 19248
one through twelve in that community school; 19249

(b) One-half of the number of the district's students 19250
enrolled in kindergarten in that community school. 19251

The district's per pupil amount under divisions (H) and (I) 19252
of section 3317.029 of the Revised Code shall be determined as 19253

described in division (C)(8) of this section. 19254

(10) An amount equal to the sum of the amounts obtained when, 19255
for each school district where the community school's students are 19256
entitled to attend school, the district's per pupil amount of 19257
state parity aid funding calculated under either division (C) or 19258
(D) of section 3317.0217 of the Revised Code is multiplied by the 19259
sum of the number of that district's students enrolled in grades 19260
one through twelve, and one-half of the number of that district's 19261
students enrolled in kindergarten, in the community school as 19262
reported under division (B)(2)(a) and (b) of this section. 19263

(E)(1) If a community school's costs for a fiscal year for a 19264
student receiving special education and related services pursuant 19265
to an IEP for a handicap described in divisions (B) to (F) of 19266
section 3317.013 of the Revised Code exceed the threshold 19267
catastrophic cost for serving the student as specified in division 19268
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 19269
submit to the superintendent of public instruction documentation, 19270
as prescribed by the superintendent, of all its costs for that 19271
student. Upon submission of documentation for a student of the 19272
type and in the manner prescribed, the department shall pay to the 19273
community school an amount equal to the school's costs for the 19274
student in excess of the threshold catastrophic costs. 19275

(2) The community school shall only report under division 19276
(E)(1) of this section, and the department shall only pay for, the 19277
costs of educational expenses and the related services provided to 19278
the student in accordance with the student's individualized 19279
education program. Any legal fees, court costs, or other costs 19280
associated with any cause of action relating to the student may 19281
not be included in the amount. 19282

(F) A community school may apply to the department of 19283
education for preschool handicapped or gifted unit funding the 19284
school would receive if it were a school district. Upon request of 19285

its governing authority, a community school that received unit 19286
funding as a school district-operated school before it became a 19287
community school shall retain any units awarded to it as a school 19288
district-operated school provided the school continues to meet 19289
eligibility standards for the unit. 19290

A community school shall be considered a school district and 19291
its governing authority shall be considered a board of education 19292
for the purpose of applying to any state or federal agency for 19293
grants that a school district may receive under federal or state 19294
law or any appropriations act of the general assembly. The 19295
governing authority of a community school may apply to any private 19296
entity for additional funds. 19297

(G) A board of education sponsoring a community school may 19298
utilize local funds to make enhancement grants to the school or 19299
may agree, either as part of the contract or separately, to 19300
provide any specific services to the community school at no cost 19301
to the school. 19302

(H) A community school may not levy taxes or issue bonds 19303
secured by tax revenues. 19304

(I) No community school shall charge tuition for the 19305
enrollment of any student. 19306

(J)(1)(a) A community school may borrow money to pay any 19307
necessary and actual expenses of the school in anticipation of the 19308
receipt of any portion of the payments to be received by the 19309
school pursuant to division (D) of this section. The school may 19310
issue notes to evidence such borrowing. The proceeds of the notes 19311
shall be used only for the purposes for which the anticipated 19312
receipts may be lawfully expended by the school. 19313

(b) A school may also borrow money for a term not to exceed 19314
fifteen years for the purpose of acquiring facilities. 19315

(2) Except for any amount guaranteed under section 3318.50 of 19316

the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(K) For purposes of determining the number of students for which divisions (D)(5) and (6) of this section applies in any school year, a community school may submit to the department of job and family services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The department shall make this determination on the basis of information readily available to it. Upon making this determination and no later than ninety days after submission of the list by the community school, the department shall report to the state department of education the number of students on the list who reside in each school district who were included in the department's report under section 3317.10 of the Revised Code. In complying with this division, the department of job and family services shall not report to the state department of education any personally identifiable information on any student.

(L) The department of education shall adjust the amounts subtracted and paid under divisions (C) and (D) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including

initial payments in a school year and adjustments and reductions 19349
made in subsequent periodic payments to community schools and 19350
corresponding deductions from school district accounts as provided 19351
under divisions (C) and (D) of this section. For purposes of this 19352
section: 19353

(1) A student shall be considered enrolled in the community 19354
school for any portion of the school year the student is 19355
participating at a college under Chapter 3365. of the Revised 19356
Code. 19357

(2) A student shall be considered to be enrolled in a 19358
community school during a school year for the period of time 19359
beginning on the later of the date on which the school both has 19360
received documentation of the student's enrollment from a parent 19361
and the student has commenced participation in learning 19362
opportunities as defined in the contract with the sponsor, or 19363
thirty days prior to the date on which the student is entered into 19364
the education management information system established under 19365
section 3301.0714 of the Revised Code. For purposes of applying 19366
this division to a community school student, "learning 19367
opportunities" shall be defined in the contract, which shall 19368
describe both classroom-based and non-classroom-based learning 19369
opportunities and shall be in compliance with criteria and 19370
documentation requirements for student participation which shall 19371
be established by the department. Any student's instruction time 19372
in non-classroom-based learning opportunities shall be certified 19373
by an employee of the community school. A student's enrollment 19374
shall be considered to cease on the date on which any of the 19375
following occur: 19376

(a) The community school receives documentation from a parent 19377
terminating enrollment of the student. 19378

(b) The community school is provided documentation of a 19379
student's enrollment in another public or private school. 19380

(c) The community school ceases to offer learning 19381
opportunities to the student pursuant to the terms of the contract 19382
with the sponsor or the operation of any provision of this 19383
chapter. 19384

(3) A student's percentage of full-time equivalency shall be 19385
considered to be the percentage the hours of learning opportunity 19386
offered to that student is of nine hundred ~~and~~ twenty hours. 19387
However, no internet- or computer-based community school shall be 19388
credited for any time a student spends participating in learning 19389
opportunities beyond ten hours within any period of twenty-four 19390
consecutive hours. 19391

(M) The department of education shall reduce the amounts paid 19392
under division (D) of this section to reflect payments made to 19393
colleges under division (B) of section 3365.07 of the Revised 19394
Code. 19395

(N)(1) No student shall be considered enrolled in any 19396
internet- or computer-based community school or, if applicable to 19397
the student, in any community school that is required to provide 19398
the student with a computer pursuant to division (C) of section 19399
3314.22 of the Revised Code, unless both of the following 19400
conditions are satisfied: 19401

(a) The student possesses or has been provided with all 19402
required hardware and software materials and all such materials 19403
are operational so that the student is capable of fully 19404
participating in the learning opportunities specified in the 19405
contract between the school and the school's sponsor as required 19406
by division (A)(23) of section 3314.03 of the Revised Code; 19407

(b) The school is in compliance with division (A) of section 19408
3314.22 of the Revised Code, relative to such student. 19409

(2) In accordance with policies adopted jointly by the 19410
superintendent of public instruction and the auditor of state, the 19411

department shall reduce the amounts otherwise payable under 19412
division (D) of this section to any community school that includes 19413
in its program the provision of computer hardware and software 19414
materials to any student, if such hardware and software materials 19415
have not been delivered, installed, and activated for each such 19416
student in a timely manner or other educational materials or 19417
services have not been provided according to the contract between 19418
the individual community school and its sponsor. 19419

The superintendent of public instruction and the auditor of 19420
state shall jointly establish a method for auditing any community 19421
school to which this division pertains to ensure compliance with 19422
this section. 19423

The superintendent, auditor of state, and the governor shall 19424
jointly make recommendations to the general assembly for 19425
legislative changes that may be required to assure fiscal and 19426
academic accountability for such schools. 19427

(O)(1) If the department determines that a review of a 19428
community school's enrollment is necessary, such review shall be 19429
completed and written notice of the findings shall be provided to 19430
the governing authority of the community school and its sponsor 19431
within ninety days of the end of the community school's fiscal 19432
year, unless extended for a period not to exceed thirty additional 19433
days for one of the following reasons: 19434

(a) The department and the community school mutually agree to 19435
the extension. 19436

(b) Delays in data submission caused by either a community 19437
school or its sponsor. 19438

(2) If the review results in a finding that additional 19439
funding is owed to the school, such payment shall be made within 19440
thirty days of the written notice. If the review results in a 19441
finding that the community school owes moneys to the state, the 19442

following procedure shall apply: 19443

(a) Within ten business days of the receipt of the notice of 19444
findings, the community school may appeal the department's 19445
determination to the state board of education or its designee. 19446

(b) The board or its designee shall conduct an informal 19447
hearing on the matter within thirty days of receipt of such an 19448
appeal and shall issue a decision within fifteen days of the 19449
conclusion of the hearing. 19450

(c) If the board has enlisted a designee to conduct the 19451
hearing, the designee shall certify its decision to the board. The 19452
board may accept the decision of the designee or may reject the 19453
decision of the designee and issue its own decision on the matter. 19454

(d) Any decision made by the board under this division is 19455
final. 19456

(3) If it is decided that the community school owes moneys to 19457
the state, the department shall deduct such amount from the 19458
school's future payments in accordance with guidelines issued by 19459
the superintendent of public instruction. 19460

(P) The department shall not subtract from a school 19461
district's state aid account under division (C) of this section 19462
and shall not pay to a community school under division (D) of this 19463
section any amount for any of the following: 19464

(1) Any student who has graduated from the twelfth grade of a 19465
public or nonpublic high school; 19466

(2) Any student who is not a resident of the state; 19467

(3) Any student who was enrolled in the community school 19468
during the previous school year when tests were administered under 19469
section 3301.0711 of the Revised Code but did not take one or more 19470
of the tests required by that section and was not excused pursuant 19471
to division (C)(1) or (3) of that section, unless the 19472

superintendent of public instruction grants the student a waiver 19473
from the requirement to take the test and a parent is not paying 19474
tuition for the student pursuant to section 3314.26 of the Revised 19475
Code. The superintendent may grant a waiver only for good cause in 19476
accordance with rules adopted by the state board of education. 19477

(4) Any student who has attained the age of twenty-two years, 19478
except for veterans of the armed services whose attendance was 19479
interrupted before completing the recognized twelve-year course of 19480
the public schools by reason of induction or enlistment in the 19481
armed forces and who apply for enrollment in a community school 19482
not later than four years after termination of war or their 19483
honorable discharge. If, however, any such veteran elects to 19484
enroll in special courses organized for veterans for whom tuition 19485
is paid under federal law, or otherwise, the department shall not 19486
subtract from a school district's state aid account under division 19487
(C) of this section and shall not pay to a community school under 19488
division (D) of this section any amount for that veteran. 19489

Sec. 3314.086. If the department of education is required to 19490
pay an amount under section 3353.25 of the Revised Code to a 19491
school district delivering a course included in the clearinghouse 19492
established under section 3353.21 of the Revised Code for a 19493
student enrolled in a community school established under this 19494
chapter, the department shall deduct the amount of that payment 19495
from the amount calculated for payment to the community school 19496
under section 3314.08 of the Revised Code. 19497

Sec. 3314.087. (A) As used in this section: 19498

(1) "Career-technical program" means vocational programs or 19499
classes described in division (A) or (B) of section 3317.014 of 19500
the Revised Code in which a student is enrolled. 19501

(2) "Formula ADM," "category one or two vocational education 19502

ADM," and "FTE basis" have the same meanings as in section 3317.02 19503
of the Revised Code. 19504

(3) "Resident school district" means the city, exempted 19505
village, or local school district in which a student is entitled 19506
to attend school under section 3313.64 or 3313.65 of the Revised 19507
Code. 19508

(B) Notwithstanding anything to the contrary in this chapter 19509
or Chapter 3317. of the Revised Code, a student enrolled in a 19510
community school may simultaneously enroll in the career-technical 19511
program operated by the student's resident school district. On an 19512
FTE basis, the student's resident school district shall count the 19513
student in the category one or two vocational education ADM for 19514
the proportion of the time the student is enrolled in the 19515
district's career-technical program and, accordingly, the 19516
department of education shall calculate funds under Chapter 3317. 19517
for the district attributable to the student for the proportion of 19518
time the student attends the career-technical program. The 19519
community school shall count the student in its enrollment report 19520
under section 3314.08 of the Revised Code and shall report to the 19521
department the proportion of time that the student attends classes 19522
at the community school. The department shall pay the community 19523
school and deduct from the student's resident school district the 19524
amount computed for the student under section 3314.08 of the 19525
Revised Code in proportion to the fraction of the time on an FTE 19526
basis that the student attends classes at the community school. 19527
"Full-time equivalency" for a community school student, as defined 19528
in division (L) of section 3314.08 of the Revised Code, does not 19529
apply to the student. 19530

Sec. 3314.088. This section applies to any student who, in 19531
accordance with division (A)(6)(b) of section 3314.03 of the 19532
Revised Code, is withdrawn from a community school managed by an 19533

operator for failure to participate in one hundred five 19534
consecutive hours of the learning opportunities offered to the 19535
student without a legitimate excuse. 19536

If a student to whom this section applies enrolls in the same 19537
community school or a different community school managed by the 19538
same operator in the same school year after becoming subject to 19539
this section and that community school subsequently withdraws the 19540
student in accordance with division (A)(6)(b) of section 3314.03 19541
of the Revised Code prior to the end of the same school year, the 19542
department of education shall not pay any state funds under this 19543
chapter for the student to that community school, and shall not 19544
deduct any funds under this chapter for the student from the state 19545
aid account of the school district in which the student is 19546
entitled to attend school, for the period of one hundred five 19547
consecutive hours of learning opportunities in which the student 19548
failed to participate without a legitimate excuse. 19549

Sec. 3314.19. The sponsor of each community school annually 19550
shall provide the following assurances in writing to the 19551
department of education not later than ten business days prior to 19552
the opening of the school: 19553

(A) That a current copy of the contract between the sponsor 19554
and the governing authority of the school entered into under 19555
section 3314.03 of the Revised Code has been filed with the state 19556
office of community schools established under section 3314.11 of 19557
the Revised Code and that any subsequent modifications to that 19558
contract will be filed with the office; 19559

(B) That the school has submitted to the sponsor a plan for 19560
providing special education and related services to students with 19561
disabilities and has demonstrated the capacity to provide those 19562
services in accordance with Chapter 3323. of the Revised Code and 19563
federal law; 19564

(C) That the school has a plan and procedures for administering the achievement tests and diagnostic assessments prescribed by sections 3301.0710 and 3301.0715 of the Revised Code; 19565
19566
19567
19568

(D) That school personnel have the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of education data, including the education management information system established under section 3301.0714 of the Revised Code in accordance with methods and timelines established under section 3314.17 of the Revised Code; 19569
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(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system; 19576
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19578

(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; 19579
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19581
19582

(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; 19583
19584
19585
19586

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code; 19587
19588

(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; 19589
19590
19591
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19593

(J) That the school holds all of the following: 19594

<u>(1) Proof of property ownership or a lease for the facilities used by the school;</u>	19595 19596
<u>(2) A certificate of occupancy;</u>	19597
<u>(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;</u>	19598 19599 19600 19601
<u>(4) A satisfactory health and safety inspection;</u>	19602
<u>(5) A satisfactory fire inspection;</u>	19603
<u>(6) A valid food permit, if applicable.</u>	19604
<u>(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;</u>	19605 19606 19607
<u>(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A)(25) of section 3314.03 of the Revised Code;</u>	19608 19609 19610 19611
<u>(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.</u>	19612 19613
Sec. 3317.01. As used in this section and section 3317.011 of the Revised Code, "school district," unless otherwise specified, means any city, local, exempted village, joint vocational, or cooperative education school district and any educational service center.	19614 19615 19616 19617 19618
This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. As soon as	19619 19620 19621 19622 19623

possible after such amounts are calculated, the superintendent 19624
shall certify to the treasurer of each school district the 19625
district's adjusted charge-off increase, as defined in section 19626
5705.211 of the Revised Code. No moneys shall be distributed 19627
pursuant to this chapter without the approval of the controlling 19628
board. 19629

The state board of education shall, in accordance with 19630
appropriations made by the general assembly, meet the financial 19631
obligations of this chapter. 19632

Annually, the department of education shall calculate and 19633
report to each school district the district's total state and 19634
local funds for providing an adequate basic education to the 19635
district's nonhandicapped students, utilizing the determination in 19636
section 3317.012 of the Revised Code. In addition, the department 19637
shall calculate and report separately for each school district the 19638
district's total state and local funds for providing an adequate 19639
education for its handicapped students, utilizing the 19640
determinations in both sections 3317.012 and 3317.013 of the 19641
Revised Code. 19642

Not later than the thirty-first day of August of each fiscal 19643
year, the department of education shall provide to each school 19644
district and county MR/DD board a preliminary estimate of the 19645
amount of funding that the department calculates the district will 19646
receive under each of divisions (C)(1) and (4) of section 3317.022 19647
of the Revised Code. No later than the first day of December of 19648
each fiscal year, the department shall update that preliminary 19649
estimate. 19650

Moneys distributed pursuant to this chapter shall be 19651
calculated and paid on a fiscal year basis, beginning with the 19652
first day of July and extending through the thirtieth day of June. 19653
The moneys appropriated for each fiscal year shall be distributed 19654
at least monthly to each school district unless otherwise provided 19655

for. The state board shall submit a yearly distribution plan to 19656
the controlling board at its first meeting in July. The state 19657
board shall submit any proposed midyear revision of the plan to 19658
the controlling board in January. Any year-end revision of the 19659
plan shall be submitted to the controlling board in June. If 19660
moneys appropriated for each fiscal year are distributed other 19661
than monthly, such distribution shall be on the same basis for 19662
each school district. 19663

The total amounts paid each month shall constitute, as nearly 19664
as possible, one-twelfth of the total amount payable for the 19665
entire year. 19666

~~Until fiscal year 2007, payments~~ Payments made during the 19667
first six months of the fiscal year may be based on an estimate of 19668
the amounts payable for the entire year. Payments made in the last 19669
six months shall be based on the final calculation of the amounts 19670
payable to each school district for that fiscal year. Payments 19671
made in the last six months may be adjusted, if necessary, to 19672
correct the amounts distributed in the first six months, and to 19673
reflect enrollment increases when such are at least three per 19674
cent. 19675

~~Beginning in fiscal year 2007, payments shall be calculated~~ 19676
~~to reflect the biannual reporting of average daily membership. In~~ 19677
~~fiscal year 2007 and in each fiscal year thereafter, annualized~~ 19678
~~periodic payments for each school district shall be based on the~~ 19679
~~district's student counts certified pursuant to section 3317.03 of~~ 19680
~~the Revised Code as follows:~~ 19681

~~the sum of one half of the number of students reported~~ 19682
~~for the first full week in October plus one half of the~~ 19683
~~average of the numbers reported for the first full week~~ 19684
~~in October and for the first full week in February~~ 19685

Except as otherwise provided, payments under this chapter 19686
shall be made only to those school districts in which: 19687

(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (D) of section 3317.021 of the Revised Code.

(B) The school year next preceding the fiscal year for which such payments are authorized meets the requirement of section 3313.48 or 3313.481 of the Revised Code, with regard to the minimum number of days or hours school must be open for instruction with pupils in attendance, for individualized parent-teacher conference and reporting periods, and for professional meetings of teachers. This requirement shall be waived by the superintendent of public instruction if it had been necessary for a school to be closed because of disease epidemic, hazardous weather conditions, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, provided that for those school districts operating pursuant to section 3313.48 of the Revised Code the number of days the school was actually open for instruction with pupils in attendance and for individualized parent-teacher conference and reporting periods is not less than one hundred seventy-five, or for those school districts operating on a trimester plan the number of days the school was actually open for instruction with pupils in attendance not less than seventy-nine days in any trimester, for those school

districts operating on a quarterly plan the number of days the 19721
school was actually open for instruction with pupils in attendance 19722
not less than fifty-nine days in any quarter, or for those school 19723
districts operating on a pentamester plan the number of days the 19724
school was actually open for instruction with pupils in attendance 19725
not less than forty-four days in any pentamester. 19726

A school district shall not be considered to have failed to 19727
comply with this division or section 3313.481 of the Revised Code 19728
because schools were open for instruction but either twelfth grade 19729
students were excused from attendance for up to three days or only 19730
a portion of the kindergarten students were in attendance for up 19731
to three days in order to allow for the gradual orientation to 19732
school of such students. 19733

The superintendent of public instruction shall waive the 19734
requirements of this section with reference to the minimum number 19735
of days or hours school must be in session with pupils in 19736
attendance for the school year succeeding the school year in which 19737
a board of education initiates a plan of operation pursuant to 19738
section 3313.481 of the Revised Code. The minimum requirements of 19739
this section shall again be applicable to such a district 19740
beginning with the school year commencing the second July 19741
succeeding the initiation of one such plan, and for each school 19742
year thereafter. 19743

A school district shall not be considered to have failed to 19744
comply with this division or section 3313.48 or 3313.481 of the 19745
Revised Code because schools were open for instruction but the 19746
length of the regularly scheduled school day, for any number of 19747
days during the school year, was reduced by not more than two 19748
hours due to hazardous weather conditions. 19749

(C) The school district has on file, and is paying in 19750
accordance with, a teachers' salary schedule which complies with 19751
section 3317.13 of the Revised Code. 19752

A board of education or governing board of an educational service center which has not conformed with other law and the rules pursuant thereto, shall not participate in the distribution of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of the Revised Code, except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board.

All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only.

Sec. 3317.012. (A) The general assembly, having deliberated on the model with which to calculate the base cost of an adequate education per pupil, has made a policy decision to calculate that amount as consisting of the following building blocks:

(1) Base classroom teachers;

(2) Other personnel support, which includes additional teachers, such as music, arts, and physical education teachers funded by state, local, or federal funds or other funds that are above the base cost funding level, and other school personnel including administrators;

(3) Nonpersonnel support.

This model reflects policy decisions made by the general assembly concerning the cost of base classroom teachers, which decisions entail two policy variables: the number of students per base classroom teacher necessary for an adequate education and the average compensation for a base classroom teacher necessary for an adequate education. The model requires the general assembly to decide the amount of other personnel support necessary for an adequate education, ~~and increase that amount from year to year by the same percentage as it increases the average compensation for~~

~~base classroom teachers~~. The model finally requires the general 19783
assembly to decide the nonpersonnel costs necessary for an 19784
adequate education and to inflate the nonpersonnel costs from year 19785
to year using the projected inflationary measure for the gross 19786
domestic product deflator (all items) prepared by the bureau of 19787
labor statistics of the United States department of labor. 19788

(B)(1) For fiscal year ~~2006~~ 2008, the general assembly has 19789
resolved that a ratio of one base classroom teacher per twenty 19790
students is necessary for an adequate education. The general 19791
assembly has made a policy decision that the average compensation 19792
for base classroom teachers is ~~\$53,680~~ \$56,754 for fiscal year 19793
~~2006~~ 2008, which includes an amount for the value of fringe 19794
benefits. For fiscal year ~~2007~~ 2009, the general assembly has 19795
resolved that a ratio of one base classroom teacher per twenty 19796
students is necessary for an adequate education. The general 19797
assembly has made a policy decision that the average compensation 19798
for base classroom teachers is ~~\$54,941~~ \$58,621 for fiscal year 19799
2009, which includes an amount for the value of fringe benefits. 19800
Based on a ratio of twenty students per base classroom teacher, 19801
these amounts equal ~~\$2,684~~ \$2,838 per pupil in fiscal year ~~2006~~ 19802
2008 and ~~\$2,747~~ \$2,931 per pupil in fiscal year ~~2007~~ 2009. 19803

(2) The general assembly has made a policy decision that the 19804
per pupil cost of salary and benefits of other personnel support 19805
is ~~\$1,807~~ \$1,905 in fiscal year ~~2006~~ 2008. Based on the percentage 19806
increase for the ~~average compensation of base classroom teachers~~ 19807
per pupil cost of salary and benefits of other personnel support 19808
from fiscal year ~~2006~~ 2007 to fiscal year ~~2007~~ 2008, the per pupil 19809
cost of other personnel support is ~~\$1,850~~ \$1,962 in fiscal year 19810
~~2007~~ 2009. 19811

(3) The general assembly has made a policy decision that the 19812
per pupil cost of nonpersonnel support is ~~\$792~~ \$822 in fiscal year 19813
~~2006~~ 2008 and ~~\$806~~ \$839 in fiscal year ~~2007~~ 2009. The amount for 19814

fiscal year ~~2007~~ 2009 reflects the projected inflationary measure 19815
for the gross domestic product deflator (all items) of ~~1.80%~~ 19816
2.00%. 19817

(4) Based on the determinations specified in divisions (B)(1) 19818
to (3) of this section, the per-pupil base cost is ~~\$5,283~~ \$5,565 19819
in fiscal year ~~2006~~ 2008 and ~~\$5,403~~ \$5,732 in fiscal year ~~2007~~ 19820
2009. 19821

(C) In addition to the per-pupil base cost as determined 19822
under divisions (A) and (B) of this section, the general assembly 19823
determines that the following base funding supplements shall be 19824
paid to each school district: 19825

(1) Base funding for large-group academic intervention for 19826
all students, based on 25 hours per group of students per year at 19827
an hourly rate of ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 2008 and 19828
~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009, as follows: 19829

large-group intervention units X 25 hours X hourly rate 19830

Where: 19831

(a) "Large-group intervention units" equals the district's 19832
formula ADM divided by 20; 19833

(b) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 19834
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009. 19835

(2) Base funding for professional development, phased in 19836
according to the following formula: 19837

district's teacher factor X 0.045 X 19838

formula amount X phase-in percentage 19839

Where: 19840

(a) For each school district, the district's "teacher factor" 19841
is the district's formula ADM divided by 17; 19842

(b) "Phase-in percentage" equals ~~0.25 in fiscal year 2006 and~~ 19843
~~0.75 in fiscal year 2007.~~ 19844

(3) Base funding for data-based decision making, calculated 19845
according to the following formula: 19846
 0.001 X formula amount X formula ADM 19847

(4) Base funding for professional development regarding 19848
data-based decision making, calculated according to the following 19849
formula: 19850
(0.20 X the district's teacher factor X 0.08 X formula amount) + 19851
 (the district's principal factor X 19852
 0.08 X formula amount) 19853

Where: 19854

(a) For each school district, the district's "teacher factor" 19855
is the district's formula ADM divided by 17; 19856

(b) For each school district, the district's "principal 19857
factor" is the district's formula ADM divided by 340. 19858

(D) The general assembly intends that school districts spend 19859
the state funds calculated and paid for each component of the 19860
building blocks methodology described in divisions (B)(1) to (3) 19861
and (C)(1) to (4) of this section according to the purposes 19862
described in those divisions. 19863

Sec. 3317.013. Except for a handicapped preschool child for 19864
whom a scholarship has been awarded under section 3310.41 of the 19865
Revised Code, this section does not apply to handicapped preschool 19866
students. 19867

Analysis of special education cost data has resulted in a 19868
finding that the average special education additional cost per 19869
pupil, including the costs of related services, can be expressed 19870
as a multiple of the base cost per pupil calculated under section 19871
3317.012 of the Revised Code. The multiples for the following 19872
categories of special education programs, as these programs are 19873
defined for purposes of Chapter 3323. of the Revised Code, and 19874

adjusted as provided in this section, are as follows: 19875

(A) A multiple of 0.2892 for students whose primary or only 19876
identified handicap is a speech and language handicap, as this 19877
term is defined pursuant to Chapter 3323. of the Revised Code; 19878

(B) A multiple of 0.3691 for students identified as specific 19879
learning disabled or developmentally handicapped, as these terms 19880
are defined pursuant to Chapter 3323. of the Revised Code, or 19881
other health handicapped-minor; 19882

(C) A multiple of 1.7695 for students identified as hearing 19883
handicapped, vision impaired, or severe behavior handicapped, as 19884
these terms are defined pursuant to Chapter 3323. of the Revised 19885
Code; 19886

(D) A multiple of 2.3646 for students identified as 19887
orthopedically handicapped, as this term is defined pursuant to 19888
Chapter 3323. of the Revised Code or other health handicapped - 19889
major; 19890

(E) A multiple of 3.1129 for students identified as 19891
multihandicapped, as this term is defined pursuant to Chapter 19892
3323. of the Revised Code; 19893

(F) A multiple of 4.7342 for students identified as autistic, 19894
having traumatic brain injuries, or as both visually and hearing 19895
disabled, as these terms are defined pursuant to Chapter 3323. of 19896
the Revised Code. 19897

In fiscal ~~year 2004~~ years 2008 and 2009, the multiples 19898
specified in divisions (A) to (F) of this section ~~shall be~~ 19899
~~adjusted by multiplying them by 0.88. In fiscal years 2005, 2006,~~ 19900
~~and 2007, the multiples specified in those divisions shall be~~ 19901
adjusted by multiplying them by 0.90. 19902

Not later than the thirtieth day of ~~May~~ December in ~~2004,~~ 19903
~~2005, 2006, and 2007,~~ 2008, and 2009, the department of education 19904

shall submit to the office of budget and management a report that 19905
specifies for each city, local, exempted village, and joint 19906
vocational school district the fiscal year allocation of the state 19907
and local shares of special education and related services 19908
additional weighted funding and federal special education funds 19909
passed through to the district. 19910

Sec. 3317.014. The average vocational education additional 19911
cost per pupil can be expressed as a multiple of the base cost per 19912
pupil calculated under section 3317.012 of the Revised Code. ~~the~~ 19913
The multiples for the following categories of vocational education 19914
programs are as follows: 19915

(A) A multiple of 0.57 for students enrolled in vocational 19916
education job-training and workforce development programs approved 19917
by the department of education in accordance with rules adopted 19918
under section 3313.90 of the Revised Code. 19919

(B) A multiple of 0.28 for students enrolled in vocational 19920
education classes other than job-training and workforce 19921
development programs. 19922

Vocational education associated services costs can be 19923
expressed as a multiple of 0.05 of the base cost per pupil 19924
calculated under section 3317.012 of the Revised Code. 19925

~~The general assembly has adjusted the multiples specified in 19926
this section for calculating payments beginning in fiscal year 19927
2002 in recognition that its policy change regarding the 19928
application of the cost of doing business factor produces a higher 19929
base cost amount than would exist if no change were made to its 19930
application. The adjustment maintains the same weighted costs as 19931
would exist if no change were made to the application of the 19932
cost of doing business factor. 19933~~

~~The~~ By the thirtieth day of each December, the department of 19934

education shall ~~annually~~ report to the ~~governor~~ office of budget 19935
and management and the general assembly the amount of weighted 19936
funding for vocational education and associated services that ~~is~~ 19937
was spent by each city, local, exempted village, and joint 19938
vocational school district specifically for vocational educational 19939
and associated services during the previous fiscal year. 19940

Sec. 3317.015. (A) In addition to the information certified 19941
to the department of education and the office of budget and 19942
management under division (A) of section 3317.021 of the Revised 19943
Code, the tax commissioner shall, at the same time, certify the 19944
following information to the department and the office of budget 19945
and management for each city, exempted village, and local school 19946
district to be used for the same purposes as described under that 19947
division: 19948

(1) The taxable value of the school district's carryover 19949
property, as defined in section 319.301 of the Revised Code, for 19950
the preceding tax year; 19951

(2) The increase in such carryover value, if any, between the 19952
second preceding tax year and the preceding tax year as used in 19953
calculating the percentage reduction under section 319.301 of the 19954
Revised Code. 19955

(B) For each fiscal year the department of education shall 19956
calculate each school district's recognized valuation in the 19957
following manner: 19958

(1) For a school district located in a county in which a 19959
reappraisal or triennial update occurred in the preceding tax 19960
year, the recognized valuation equals the district's total taxable 19961
value for the preceding tax year minus two-thirds times the 19962
increase in the carryover value from the second preceding tax year 19963
to the preceding tax year. 19964

(2) For a school district located in a county in which a reappraisal or triennial update occurred in the second preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year minus one-third times the increase in the carryover value from the third preceding tax year to the second preceding tax year.

(3) For a school district located in a county in which a reappraisal or triennial update occurred in the third preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year.

Sec. 3317.016. In addition to its form SF-3, or any successor to that form, the department of education shall publish on its web site a spreadsheet for each school district that specifies the constituent components of the district's "building blocks" funds, as follows:

(A) For compensation of base classroom teachers, as described in division (B)(1) of section 3317.012 of the Revised Code, each spreadsheet shall specify the district's aggregate and per pupil amounts of state funds and of combined state and local funds, the average compensation decided by the general assembly for base classroom teachers, as specified in that division, and the number of base classroom teachers attributable to the district based on the student-teacher ratio decided by the general assembly, as specified in that division.

(B) Each spreadsheet shall specify the district's aggregate and per pupil amounts of state funds and of combined state and local funds for each of the following:

(1) Other personnel support, as described in division (B)(2) of section 3317.012 of the Revised Code;

(2) Nonpersonnel support, as described in division (B)(3) of

that section;	19995
(3) Academic intervention services, as described in division (C)(1) of that section;	19996 19997
(4) Professional development, as described in division (C)(2) of that section;	19998 19999
(5) Data-based decision making, as described in division (C)(3) of that section;	20000 20001
(6) Professional development for data-based decision making, as described in division (C)(4) of that section.	20002 20003
(C) Each spreadsheet shall separately specify the district's aggregate and per pupil state funds for each of the following components of poverty-based assistance under section 3317.029 of the Revised Code:	20004 20005 20006 20007
(1) Poverty based assistance guarantee payment under division (B) of that section;	20008 20009
(2) Academic intervention funding under division (C) of that section;	20010 20011
(3) <u>(2)</u> All-day kindergarten under division (D) of that section;	20012 20013
(4) Class size reduction <u>(3) Increased classroom learning opportunities</u> under division (E) of that section;	20014 20015
(5) <u>(4)</u> Services to limited English proficient students under division (F) of that section;	20016 20017
(6) <u>(5)</u> Professional development, under division (G) of that section;	20018 20019
(7) <u>(6)</u> Dropout prevention under division (H) of that section;	20020
(8) <u>(7)</u> Community outreach under division (I) of that section;	20021
<u>(8) Assistance in closing the achievement gap under division (K) of that section.</u>	20022 20023

Sec. 3317.017. (A) Not later than July 1, 2006, the	20024
superintendent of public instruction shall adopt a rule under	20025
which the superintendent may issue an order with respect to the	20026
spending, by a school district declared to be under an academic	20027
watch or in a state of academic emergency under section 3302.03 of	20028
the Revised Code, of the following state building block funds	20029
intended to pay instructional-related costs:	20030
(1) State funds for compensation of base classroom teachers,	20031
as described in division (B)(1) of section 3317.012 of the Revised	20032
Code;	20033
(2) State funds for academic intervention services under	20034
division (C)(1) of section 3317.012 and division (C) of section	20035
3317.029 of the Revised Code;	20036
(3) State funds for professional development under divisions	20037
(C)(2) and (4) of section 3317.012 and division (G) of section	20038
3317.029 of the Revised Code;	20039
(4) State funds for data based decision making under division	20040
(C)(3) of section 3317.012 of the Revised Code;	20041
(5) The poverty based assistance guarantee payment under	20042
division (B) of section 3317.029 of the Revised Code;	20043
(6) State funds for all-day kindergarten under division (D)	20044
of section 3317.029 of the Revised Code;	20045
(7) <u>(6)</u> State funds for class size reduction <u>increased</u>	20046
<u>classroom learning opportunities</u> under division (E) of section	20047
3317.029 of the Revised Code;	20048
(8) <u>(7)</u> State funds for services to limited English proficient	20049
students under division (F) of section 3317.029 of the Revised	20050
Code;	20051
(9) <u>(8)</u> State funds for dropout prevention under division (H)	20052
of section 3317.029 of the Revised Code;	20053

(10) (9) State funds for community outreach under division (I) of section 3317.029 of the Revised Code;	20054 20055
<u>(10) State funds for assistance in closing the achievement gap under division (K) of section 3317.029 of the Revised Code.</u>	20056 20057
(B) The rule shall authorize the superintendent of public instruction to issue an order that does one or a combination of the following:	20058 20059 20060
(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;	20061 20062 20063 20064
(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;	20065 20066 20067 20068
(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.	20069 20070 20071 20072 20073
(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.	20074 20075 20076 20077 20078
(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.	20079 20080 20081 20082
Sec. 3317.02. As used in this chapter:	20083

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

(B) "Formula amount" means the base cost for the fiscal year specified in division (B)(4) of section 3317.012 of the Revised Code.

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.

(D) "Formula ADM" means, for a city, local, or exempted village school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (A) of section 3317.03 of the Revised Code, and as adjusted, if so ordered, under division (K) of that section. "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (D) of section 3317.03 of the Revised Code. ~~Beginning in fiscal year 2007, for payments in which formula ADM is a factor, the formula ADM for each school district for the fiscal year is the sum of one half of the number reported for October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year, as adjusted, if so ordered, under division (K) of that section.~~

(E) "Three-year average formula ADM" means the average of formula ADMs for the ~~current and~~ preceding ~~two~~ three fiscal years.

(F)(1) "Category one special education ADM" means the average

daily membership of handicapped children receiving special 20115
education services for the handicap specified in division (A) of 20116
section 3317.013 of the Revised Code and reported under division 20117
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 20118
~~Beginning in fiscal year 2007, the district's category one special 20119
education ADM for a fiscal year is the sum of one half of the 20120
number reported for October of that fiscal year plus one half of 20121
the average of the numbers reported for October and February of 20122
that fiscal year.~~ 20123

(2) "Category two special education ADM" means the average 20124
daily membership of handicapped children receiving special 20125
education services for those handicaps specified in division (B) 20126
of section 3317.013 of the Revised Code and reported under 20127
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 20128
Code. ~~Beginning in fiscal year 2007, the district's category two 20129
special education ADM for a fiscal year is the sum of one half of 20130
the number reported for October of that fiscal year plus one half 20131
of the average of the numbers reported for October and February of 20132
that fiscal year.~~ 20133

(3) "Category three special education ADM" means the average 20134
daily membership of students receiving special education services 20135
for those handicaps specified in division (C) of section 3317.013 20136
of the Revised Code, and reported under division (B)(7) or 20137
(D)(2)(d) of section 3317.03 of the Revised Code. ~~Beginning in 20138
fiscal year 2007, the district's category three special education 20139
ADM for a fiscal year is the sum of one half of the number 20140
reported for October of that fiscal year plus one half of the 20141
average of the numbers reported for October and February of that 20142
fiscal year.~~ 20143

(4) "Category four special education ADM" means the average 20144
daily membership of students receiving special education services 20145
for those handicaps specified in division (D) of section 3317.013 20146

of the Revised Code and reported under division (B)(8) or 20147
(D)(2)(e) of section 3317.03 of the Revised Code. ~~Beginning in~~ 20148
~~fiscal year 2007, the district's category four special education~~ 20149
~~ADM for a fiscal year is the sum of one half of the number~~ 20150
~~reported for October of that fiscal year plus one half of the~~ 20151
~~average of the numbers reported for October and February of that~~ 20152
~~fiscal year.~~ 20153

(5) "Category five special education ADM" means the average 20154
daily membership of students receiving special education services 20155
for the handicap specified in division (E) of section 3317.013 of 20156
the Revised Code and reported under division (B)(9) or (D)(2)(f) 20157
of section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 20158
~~2007, the district's category five special education ADM for a~~ 20159
~~fiscal year is the sum of one half of the number reported for~~ 20160
~~October of that fiscal year plus one half of the average of the~~ 20161
~~numbers reported for October and February of that fiscal year.~~ 20162

(6) "Category six special education ADM" means the average 20163
daily membership of students receiving special education services 20164
for the handicap specified in division (F) of section 3317.013 of 20165
the Revised Code and reported under division (B)(10) or (D)(2)(g) 20166
of section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 20167
~~2007, the district's category six special education ADM for a~~ 20168
~~fiscal year is the sum of one half of the number reported for~~ 20169
~~October of that fiscal year plus one half of the average of the~~ 20170
~~numbers reported for October and February of that fiscal year.~~ 20171

(7) "Category one vocational education ADM" means the average 20172
daily membership of students receiving vocational education 20173
services described in division (A) of section 3317.014 of the 20174
Revised Code and reported under division (B)(11) or (D)(2)(h) of 20175
section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 20176
~~2007, the district's category one vocational education ADM for a~~ 20177
~~fiscal year is the sum of one half of the number reported for~~ 20178

~~October of that fiscal year plus one half of the average of the~~ 20179
~~numbers reported for October and February of that fiscal year.~~ 20180

(8) "Category two vocational education ADM" means the average 20181
daily membership of students receiving vocational education 20182
services described in division (B) of section 3317.014 of the 20183
Revised Code and reported under division (B)(12) or (D)(2)(i) of 20184
section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 20185
~~2007, the district's category two vocational education ADM for a~~ 20186
~~fiscal year is the sum of one half of the number reported for~~ 20187
~~October of that fiscal year plus one half of the average of the~~ 20188
~~numbers reported for October and February of that fiscal year.~~ 20189

(G) "Handicapped preschool child" means a handicapped child, 20190
as defined in section 3323.01 of the Revised Code, who is at least 20191
age three but is not of compulsory school age, as defined in 20192
section 3321.01 of the Revised Code, and who is not currently 20193
enrolled in kindergarten. 20194

(H) "County MR/DD board" means a county board of mental 20195
retardation and developmental disabilities. 20196

(I) "Recognized valuation" means the amount calculated for a 20197
school district pursuant to section 3317.015 of the Revised Code. 20198

(J) "Transportation ADM" means the number of children 20199
reported under division (B)(13) of section 3317.03 of the Revised 20200
Code. 20201

(K) "Average efficient transportation use cost per student" 20202
means a statistical representation of transportation costs as 20203
calculated under division (D)(2) of section 3317.022 of the 20204
Revised Code. 20205

(L) "Taxes charged and payable" means the taxes charged and 20206
payable against real and public utility property after making the 20207
reduction required by section 319.301 of the Revised Code, plus 20208
the taxes levied against tangible personal property. 20209

(M) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

~~(N) "Cost of doing business factor" means the amount indicated in division (N)(1) or (2) of this section for the county in which a city, local, exempted village, or joint vocational school district is located. If a city, local, or exempted village school district is located in more than one county, the factor is the amount indicated for the county to which the district is assigned by the state department of education. If a joint vocational school district is located in more than one county, the factor is the amount indicated for the county in which the joint vocational school with the greatest formula ADM operated by the district is located.~~

~~(1) In fiscal year 2006, the cost of doing business factor for each county is:~~

COST OF DOING BUSINESS		
COUNTY	FACTOR AMOUNT	
Adams	1.00233	20229
Allen	1.01373	20230
Ashland	1.01980	20231
Ashtabula	1.02647	20232
Athens	1.00093	20233
Auglaize	1.01647	20234
Belmont	1.00427	20235
Brown	1.01180	20236
Butler	1.04307	20237
Carroll	1.00913	20238
Champaign	1.02973	20239
Clark	1.02980	20240
Clermont	1.03607	20241

Clinton	1.02193	20242
Columbiana	1.01427	20243
Coshocton	1.01153	20244
Crawford	1.01093	20245
Cuyahoga	1.04173	20246
Darke	1.02253	20247
Defiance	1.00973	20248
Delaware	1.03520	20249
Erie	1.02587	20250
Fairfield	1.02440	20251
Fayette	1.02127	20252
Franklin	1.04053	20253
Fulton	1.0220	20254
Gallia	1.00000	20255
Geauga	1.03340	20256
Greene	1.02960	20257
Guernsey	1.00440	20258
Hamilton	1.05000	20259
Hancock	1.01433	20260
Hardin	1.02373	20261
Harrison	1.00493	20262
Henry	1.02120	20263
Highland	1.00987	20264
Hocking	1.01253	20265
Holmes	1.01187	20266
Huron	1.01953	20267
Jackson	1.00920	20268
Jefferson	1.00487	20269
Knox	1.01860	20270
Lake	1.03493	20271
Lawrence	1.00540	20272
Licking	1.02540	20273
Logan	1.02567	20274

Lorain	1.03433	20275
Lucas	1.02600	20276
Madison	1.03253	20277
Mahoning	1.02307	20278
Marion	1.02040	20279
Medina	1.03573	20280
Meigs	1.00173	20281
Mercer	1.01353	20282
Miami	1.02740	20283
Monroe	1.00333	20284
Montgomery	1.03020	20285
Morgan	1.00593	20286
Morrow	1.02007	20287
Muskingum	1.00847	20288
Noble	1.00487	20289
Ottawa	1.03240	20290
Paulding	1.00767	20291
Perry	1.01067	20292
Pickaway	1.02607	20293
Pike	1.00687	20294
Portage	1.03147	20295
Preble	1.02947	20296
Putnam	1.01440	20297
Richland	1.01327	20298
Ross	1.01007	20299
Sandusky	1.02140	20300
Scioto	1.00080	20301
Seneca	1.01487	20302
Shelby	1.01853	20303
Stark	1.01700	20304
Summit	1.03613	20305
Trumbull	1.02340	20306
Tuscarawas	1.00593	20307

Union	1.03333	20308
Van Wert	1.00887	20309
Vinton	1.00633	20310
Warren	1.04387	20311
Washington	1.00400	20312
Wayne	1.02320	20313
Williams	1.01520	20314
Wood	1.02400	20315
Wyandot	1.01140	20316

~~(2) In fiscal year 2007, the cost of doing business factor
 for each county is:~~

COST OF DOING BUSINESS		20319
COUNTY	FACTOR AMOUNT	20320
Adams	1.00117	20321
Allen	1.00687	20322
Ashland	1.00990	20323
Ashtabula	1.01323	20324
Athens	1.00047	20325
Auglaize	1.00823	20326
Belmont	1.00213	20327
Brown	1.00590	20328
Butler	1.02153	20329
Carroll	1.00457	20330
Champaign	1.01487	20331
Clark	1.01490	20332
Clermont	1.01803	20333
Clinton	1.01097	20334
Columbiana	1.00713	20335
Coshocton	1.00577	20336
Crawford	1.00547	20337
Cuyahoga	1.02087	20338
Darke	1.01127	20339
Defiance	1.00487	20340

Delaware	1.01760	20341
Erie	1.01293	20342
Fairfield	1.01220	20343
Fayette	1.01063	20344
Franklin	1.02027	20345
Fulton	1.01100	20346
Gallia	1.00000	20347
Geauga	1.01670	20348
Greene	1.01480	20349
Guernsey	1.00220	20350
Hamilton	1.02500	20351
Hancock	1.00717	20352
Hardin	1.01187	20353
Harrison	1.00247	20354
Henry	1.01060	20355
Highland	1.00493	20356
Hocking	1.00627	20357
Holmes	1.00593	20358
Huron	1.00977	20359
Jackson	1.00460	20360
Jefferson	1.00243	20361
Knox	1.00930	20362
Lake	1.01747	20363
Lawrence	1.00270	20364
Licking	1.01270	20365
Logan	1.01283	20366
Lorain	1.01717	20367
Lucas	1.01300	20368
Madison	1.01627	20369
Mahoning	1.01153	20370
Marion	1.01020	20371
Medina	1.01787	20372
Meigs	1.00087	20373

Mercer	1.00677	20374
Miami	1.01370	20375
Monroe	1.00167	20376
Montgomery	1.01510	20377
Morgan	1.00297	20378
Morrow	1.01003	20379
Muskingum	1.00423	20380
Noble	1.00243	20381
Ottawa	1.01620	20382
Paulding	1.00383	20383
Perry	1.00533	20384
Pickaway	1.01303	20385
Pike	1.00343	20386
Portage	1.01573	20387
Preble	1.01473	20388
Putnam	1.00720	20389
Richland	1.00663	20390
Ross	1.00503	20391
Sandusky	1.01070	20392
Scioto	1.00040	20393
Seneca	1.00743	20394
Shelby	1.00927	20395
Stark	1.00850	20396
Summit	1.01807	20397
Trumbull	1.01170	20398
Tuscarawas	1.00297	20399
Union	1.01667	20400
Van Wert	1.00443	20401
Vinton	1.00317	20402
Warren	1.02193	20403
Washington	1.00200	20404
Wayne	1.01160	20405
Williams	1.00760	20406

Wood	1.01200	20407
Wyandot	1.00570	20408

~~(O)~~ "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code. 20409
20410
20411

~~(P)~~(O) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district. 20412
20413
20414

~~(Q)~~(P) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education and the office of budget and management for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district. 20415
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~~(R)~~(O) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state. 20424
20425
20426

~~(S)~~(R) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income. 20427
20428
20429

~~(T)~~(S) "Medically fragile child" means a child to whom all of the following apply: 20430
20431

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition. 20432
20433
20434

(2) The child requires the services of a registered nurse on a daily basis. 20435
20436

(3) The child is at risk of institutionalization in a 20437
hospital, skilled nursing facility, or intermediate care facility 20438
for the mentally retarded. 20439

~~(U)~~(T) A child may be identified as "other health 20440
handicapped-major" if the child's condition meets the definition 20441
of "other health impaired" established in rules adopted by the 20442
state board of education prior to July 1, 2001, and if either of 20443
the following apply: 20444

(1) The child is identified as having a medical condition 20445
that is among those listed by the superintendent of public 20446
instruction as conditions where a substantial majority of cases 20447
fall within the definition of "medically fragile child." The 20448
superintendent of public instruction shall issue an initial list 20449
no later than September 1, 2001. 20450

(2) The child is determined by the superintendent of public 20451
instruction to be a medically fragile child. A school district 20452
superintendent may petition the superintendent of public 20453
instruction for a determination that a child is a medically 20454
fragile child. 20455

~~(V)~~(U) A child may be identified as "other health 20456
handicapped-minor" if the child's condition meets the definition 20457
of "other health impaired" established in rules adopted by the 20458
state board of education prior to July 1, 2001, but the child's 20459
condition does not meet either of the conditions specified in 20460
division ~~(U)~~(T)(1) or (2) of this section. 20461

~~(W)~~ "SF-3 payment" means the sum of the payments to a school 20462
district in a fiscal year under divisions (A), (C)(1), (C)(4), 20463
(D), (E), and (F) of section 3317.022, divisions (G), (L), and (N) 20464
of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217, 20465
3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after 20466
making the adjustments required by sections 3313.981 and 3313.979 20467

of the Revised Code, ~~divisions (B), (C), (D), (E), (K), (L), (M), (N), and (O) of section 3317.023, and division (C) of section 3317.20~~ (V) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 20468
20469
20470
20471

~~(X)~~(W) "Property exemption value" means zero in fiscal year 20472
2006, and in fiscal year 2007 and each fiscal year thereafter, the 20473
amount certified for a school district under divisions (A)(6) and 20474
(7) of section 3317.021 of the Revised Code. 20475

(X) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 20476
20477

Sec. 3317.021. (A) On or before the first day of June of each 20478
year, the tax commissioner shall certify to the department of 20479
education and the office of budget and management the information 20480
described in divisions (A)(1) to (8) of this section for each 20481
city, exempted village, and local school district, and the 20482
information required by divisions (A)(1) and (2) of this section 20483
for each joint vocational school district, and it shall be used, 20484
along with the information certified under division (B) of this 20485
section, in making the computations for the district under 20486
sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16 of 20487
the Revised Code. 20488

(1) The taxable value of real and public utility real 20489
property in the school district subject to taxation in the 20490
preceding tax year, by class and by county of location. 20491

(2) The taxable value of tangible personal property, 20492
including public utility personal property, subject to taxation by 20493
the district for the preceding tax year. 20494

(3)(a) The total property tax rate and total taxes charged 20495
and payable for the current expenses for the preceding tax year 20496
and the total property tax rate and the total taxes charged and 20497

payable to a joint vocational district for the preceding tax year 20498
that are limited to or to the extent apportioned to current 20499
expenses. 20500

(b) The portion of the amount of taxes charged and payable 20501
reported for each city, local, and exempted village school 20502
district under division (A)(3)(a) of this section attributable to 20503
a joint vocational school district. 20504

(4) The value of all real and public utility real property in 20505
the school district exempted from taxation minus both of the 20506
following: 20507

(a) The value of real and public utility real property in the 20508
district owned by the United States government and used 20509
exclusively for a public purpose; 20510

(b) The value of real and public utility real property in the 20511
district exempted from taxation under Chapter 725. or 1728. or 20512
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 20513
5709.73, or 5709.78 of the Revised Code. 20514

(5) The total federal adjusted gross income of the residents 20515
of the school district, based on tax returns filed by the 20516
residents of the district, for the most recent year for which this 20517
information is available. 20518

(6) The sum of the school district compensation value as 20519
indicated on the list of exempted property for the preceding tax 20520
year under section 5713.08 of the Revised Code as if such property 20521
had been assessed for taxation that year and the other 20522
compensation value for the school district, minus the amounts 20523
described in divisions (A)(6)(c) to (i) of this section. The 20524
portion of school district compensation value or other 20525
compensation value attributable to an incentive district exemption 20526
may be subtracted only once even if that incentive district 20527
satisfies more than one of the criteria in divisions (A)(6)(c) to 20528

(i) of this section. 20529

(a) "School district compensation value" means the aggregate 20530
value of real property in the school district exempted from 20531
taxation pursuant to an ordinance or resolution adopted under 20532
division (C) of section 5709.40, division (C) of section 5709.73, 20533
or division (B) of section 5709.78 of the Revised Code to the 20534
extent that the exempted value results in the charging of payments 20535
in lieu of taxes required to be paid to the school district under 20536
division (D)(1) or (2) of section 5709.40, division (D) of section 20537
5709.73, or division (C) of section 5709.78 of the Revised Code. 20538

(b) "Other compensation value" means the quotient that 20539
results from dividing (i) the dollar value of compensation 20540
received by the school district during the preceding tax year 20541
pursuant to division (B), (C), or (D) of section 5709.82 of the 20542
Revised Code and the amounts received pursuant to an agreement as 20543
specified in division (D)(2) of section 5709.40, division (D) of 20544
section 5709.73, or division (C) of section 5709.78 of the Revised 20545
Code to the extent those amounts were not previously reported or 20546
included in division (A)(6)(a) of this section, and so that any 20547
such amount is reported only once under division (A)(6)(b) of this 20548
section, in relation to exemptions from taxation granted pursuant 20549
to an ordinance or resolution adopted under division (C) of 20550
section 5709.40, division (C) of section 5709.73, or division (B) 20551
of section 5709.78 of the Revised Code, by (ii) the real property 20552
tax rate in effect for the preceding tax year for 20553
nonresidential/agricultural real property after making the 20554
reductions required by section 319.301 of the Revised Code. 20555

(c) The portion of school district compensation value or 20556
other compensation value that was exempted from taxation pursuant 20557
to such an ordinance or resolution for the preceding tax year, if 20558
the ordinance or resolution is adopted prior to January 1, 2006, 20559
and the legislative authority or board of township trustees or 20560

county commissioners, prior to January 1, 2006, executes a 20561
contract or agreement with a developer, whether for-profit or 20562
not-for-profit, with respect to the development of a project 20563
undertaken or to be undertaken and identified in the ordinance or 20564
resolution, and upon which parcels such project is being, or will 20565
be, undertaken; 20566

(d) The portion of school district compensation value that 20567
was exempted from taxation for the preceding tax year and for 20568
which payments in lieu of taxes for the preceding tax year were 20569
provided to the school district under division (D)(1) of section 20570
5709.40 of the Revised Code. 20571

(e) The portion of school district compensation value that 20572
was exempted from taxation for the preceding tax year pursuant to 20573
such an ordinance or resolution, if and to the extent that, on or 20574
before April 1, 2006, the fiscal officer of the municipal 20575
corporation that adopted the ordinance, or of the township or 20576
county that adopted the resolution, certifies and provides 20577
appropriate supporting documentation to the tax commissioner and 20578
the director of development that, based on hold-harmless 20579
provisions in any agreement between the school district and the 20580
legislative authority of the municipal corporation, board of 20581
township trustees, or board of county commissioners that was 20582
entered into on or before June 1, 2005, the ability or obligation 20583
of the municipal corporation, township, or county to repay bonds, 20584
notes, or other financial obligations issued or entered into prior 20585
to January 1, 2006, will be impaired, including obligations to or 20586
of any other body corporate and politic with whom the legislative 20587
authority of the municipal corporation or board of township 20588
trustees or county commissioners has entered into an agreement 20589
pertaining to the use of service payments derived from the 20590
improvements exempted; 20591

(f) The portion of school district compensation value that 20592

was exempted from taxation for the preceding tax year pursuant to 20593
such an ordinance or resolution, if the ordinance or resolution is 20594
adopted prior to January 1, 2006, in a municipal corporation with 20595
a population that exceeds one hundred thousand, as shown by the 20596
most recent federal decennial census, that includes a major 20597
employment center and that is adjacent to historically distressed 20598
neighborhoods, if the legislative authority of the municipal 20599
corporation that exempted the property prepares an economic 20600
analysis that demonstrates that all taxes generated within the 20601
incentive district accruing to the state by reason of improvements 20602
constructed within the district during its existence exceed the 20603
amount the state pays the school district under section 3317.022 20604
of the Revised Code attributable to such property exemption from 20605
the school district's recognized valuation. The analysis shall be 20606
submitted to and approved by the department of development prior 20607
to January 1, 2006, and the department shall not unreasonably 20608
withhold approval. 20609

(g) The portion of school district compensation value that 20610
was exempted from taxation for the preceding tax year under such 20611
an ordinance or resolution, if the ordinance or resolution is 20612
adopted prior to January 1, 2006, and if service payments have 20613
been pledged to be used for mixed-use riverfront entertainment 20614
development in any county with a population that exceeds six 20615
hundred thousand, as shown by the most recent federal decennial 20616
census; 20617

(h) The portion of school district compensation value that 20618
was exempted from taxation for the preceding tax year under such 20619
an ordinance or resolution, if, prior to January 1, 2006, the 20620
legislative authority of a municipal corporation, board of 20621
township trustees, or board of county commissioners has pledged 20622
service payments for a designated transportation capacity project 20623
approved by the transportation review advisory council under 20624

Chapter 5512. of the Revised Code; 20625

(i) The portion of school district compensation value that 20626
was exempted from taxation for the preceding tax year under such 20627
an ordinance or resolution if the legislative authority of a 20628
municipal corporation, board of township trustees, or board of 20629
county commissioners have, by January 1, 2006, pledged proceeds 20630
for designated transportation improvement projects that involve 20631
federal funds for which the proceeds are used to meet a local 20632
share match requirement for such funding. 20633

As used in division (A)(6) of this section, "project" has the 20634
same meaning as in section 5709.40 of the Revised Code. 20635

(7) The aggregate value of real property in the school 20636
district for which an exemption from taxation is granted by an 20637
ordinance or resolution adopted on or after January 1, 2006, under 20638
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 20639
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 20640
Code, as indicated on the list of exempted property for the 20641
preceding tax year under section 5713.08 of the Revised Code and 20642
as if such property had been assessed for taxation that year, 20643
minus the product determined by multiplying (a) the aggregate 20644
value of the real property in the school district exempted from 20645
taxation for the preceding tax year under any of the chapters or 20646
sections specified in this division, by (b) a fraction, the 20647
numerator of which is the difference between (i) the amount of 20648
anticipated revenue such school district would have received for 20649
the preceding tax year if the real property exempted from taxation 20650
had not been exempted from taxation and (ii) the aggregate amount 20651
of payments in lieu of taxes on the exempt real property for the 20652
preceding tax year and other compensation received for the 20653
preceding tax year by the school district pursuant to any 20654
agreements entered into on or after January 1, 2006, under section 20655
5709.82 of the Revised Code between the school district and the 20656

legislative authority of a political subdivision that acted under 20657
the authority of a chapter or statute specified in this division, 20658
that were entered into in relation to such exemption, and the 20659
denominator of which is the amount of anticipated revenue such 20660
school district would have received in the preceding fiscal year 20661
if the real property exempted from taxation had not been exempted. 20662

(8) For each school district receiving payments under 20663
division (B) or (C) of section 3317.0216 of the Revised Code 20664
during the current fiscal year, as included on the most recent 20665
list of such districts sent to the tax commissioner under division 20666
(F) of that section, the following: 20667

(a) The portion of the total amount of taxes charged and 20668
payable for current expenses certified under division (A)(3)(a) of 20669
this section that is attributable to each new levy approved and 20670
charged in the preceding tax year and the respective tax rate of 20671
each of those new levies; 20672

(b) The portion of the total taxes collected for current 20673
expenses under a school district income tax adopted pursuant to 20674
section 5748.03 or 5748.08 of the Revised Code, as certified under 20675
division (A)(2) of section 3317.08 of the Revised Code, that is 20676
attributable to each new school district income tax first 20677
effective in the current taxable year or in the preceding taxable 20678
year. 20679

(B) On or before the first day of May each year, the tax 20680
commissioner shall certify to the department of education and the 20681
office of budget and management the total taxable real property 20682
value of railroads and, separately, the total taxable tangible 20683
personal property value of all public utilities for the preceding 20684
tax year, by school district and by county of location. 20685

(C) If a public utility has properly and timely filed a 20686
petition for reassessment under section 5727.47 of the Revised 20687

Code with respect to an assessment issued under section 5727.23 of 20688
the Revised Code affecting taxable property apportioned by the tax 20689
commissioner to a school district, the taxable value of public 20690
utility tangible personal property included in the certification 20691
under divisions (A)(2) and (B) of this section for the school 20692
district shall include only the amount of taxable value on the 20693
basis of which the public utility paid tax for the preceding year 20694
as provided in division (B)(1) or (2) of section 5727.47 of the 20695
Revised Code. 20696

(D) If on the basis of the information certified under 20697
division (A) of this section, the department determines that any 20698
district fails in any year to meet the qualification requirement 20699
specified in division (A) of section 3317.01 of the Revised Code, 20700
the department shall immediately request the tax commissioner to 20701
determine the extent to which any school district income tax 20702
levied by the district under Chapter 5748. of the Revised Code 20703
shall be included in meeting that requirement. Within five days of 20704
receiving such a request from the department, the tax commissioner 20705
shall make the determination required by this division and report 20706
the quotient obtained under division (D)(3) of this section to the 20707
department and the office of budget and management. This quotient 20708
represents the number of mills that the department shall include 20709
in determining whether the district meets the qualification 20710
requirement of division (A) of section 3317.01 of the Revised 20711
Code. 20712

The tax commissioner shall make the determination required by 20713
this division as follows: 20714

(1) Multiply one mill times the total taxable value of the 20715
district as determined in divisions (A)(1) and (2) of this 20716
section; 20717

(2) Estimate the total amount of tax liability for the 20718
current tax year under taxes levied by Chapter 5748. of the 20719

Revised Code that are apportioned to current operating expenses of 20720
the district; 20721

(3) Divide the amount estimated under division (D)(2) of this 20722
section by the product obtained under division (D)(1) of this 20723
section. 20724

(E)(1) On or before June 1, 2006, and the first day of April 20725
of each year thereafter, the director of development shall report 20726
to the department of education ~~and~~, the tax commissioner, and the 20727
director of budget and management the total amounts of payments 20728
received by each city, local, exempted village, or joint 20729
vocational school district for the preceding tax year pursuant to 20730
division (D) of section 5709.40, division (D) of section 5709.73, 20731
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 20732
or (D) of section 5709.82 of the Revised Code in relation to 20733
exemptions from taxation granted pursuant to an ordinance adopted 20734
by the legislative authority of a municipal corporation under 20735
division (C) of section 5709.40 of the Revised Code, or a 20736
resolution adopted by a board of township trustees or board of 20737
county commissioners under division (C) of section 5709.73 or 20738
division (B) of section 5709.78 of the Revised Code, respectively. 20739
On or before April 1, 2006, and the first day of March of each 20740
year thereafter, the treasurer of each city, local, exempted 20741
village, or joint vocational school district that has entered into 20742
such an agreement shall report to the director of development the 20743
total amounts of such payments the district received for the 20744
preceding tax year as provided in this section. The state board of 20745
education, in accordance with sections 3319.31 and 3319.311 of the 20746
Revised Code, may suspend or revoke the license of a treasurer 20747
found to have willfully reported erroneous, inaccurate, or 20748
incomplete data under this division. 20749

(2) On or before April 1, 2007, and the first day of April of 20750
each year thereafter, the director of development shall report to 20751

the department of education ~~and to~~, the tax commissioner, ~~and the~~ 20752
director of budget and management the total amounts of payments 20753
received by each city, local, exempted village, or joint 20754
vocational school district for the preceding tax year pursuant to 20755
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 20756
in relation to exemptions from taxation granted pursuant to 20757
ordinances or resolutions adopted on or after January 1, 2006, 20758
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 20759
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 20760
Revised Code. On or before March 1, 2007, and the first day of 20761
March of each year thereafter, the treasurer of each city, local, 20762
exempted village, or joint vocational school district that has 20763
entered into such an agreement shall report to the director of 20764
development the total amounts of such payments the district 20765
received for the preceding tax year as provided by this section. 20766
The state board of education, in accordance with sections 3319.31 20767
and 3319.311 of the Revised Code, may suspend or revoke the 20768
license of a treasurer found to have willfully reported erroneous, 20769
inaccurate, or incomplete data under this division. 20770

Sec. 3317.022. (A)(~~1~~) The department of education shall 20771
compute and distribute state base cost funding to each eligible 20772
school district for the fiscal year, using the information 20773
obtained under section 3317.021 of the Revised Code in the 20774
calendar year in which the fiscal year begins. 20775

~~(1) Compute, according to the following for each eligible~~ 20776
~~district formula:~~ 20777

~~{ [cost of doing business factor X~~ 20778
the formula amount X (formula ADM + 20779
preschool scholarship ADM)] + 20780
the sum of the base funding supplements 20781
prescribed in divisions (C)(1) to (4) 20782

of section 3317.012 of the Revised Code} - 20783
[.023 x (the sum of recognized valuation 20784
and property exemption value)] ± 20785
the amounts calculated for the district under 20786
sections 3317.029 and 3317.0217 of the Revised Code 20787

If the difference obtained is a negative number, the 20788
district's computation shall be zero. 20789

~~(2) Compute both of the following for each school district:~~ 20790

~~(a) The difference of (i) the district's fiscal year 2005 20791
base cost payment under the version of division (A)(1) of this 20792
section in effect in fiscal year 2005, minus (ii) the amount 20793
computed for the district for the current fiscal year under 20794
current division (A)(1) of this section;~~ 20795

~~(b) The following amount:~~ 20796

~~{(fiscal year 2005 base cost payment/fiscal 20797
year 2005 formula ADM) X 20798
(current year formula ADM + preschool scholarship ADM)} 20799
minus the amount computed for the district 20800
under current division (A)(1) of this section 20801~~

~~If one of the amounts computed under division (A)(2)(a) or 20802
(b) of this section is a positive amount, the department shall pay 20803
the district that amount in addition to the amount calculated 20804
under division (A)(1) of this section. If both amounts are 20805
positive amounts, the department shall pay the district the lesser 20806
of the two amounts in addition to the amount calculated under 20807
division (A)(1) of this section. 20808~~

~~(3)(a) For each school district for which the tax exempt 20809
value of the district equals or exceeds twenty-five per cent of 20810
the potential value of the district, the department of education 20811
shall calculate the difference between the district's tax exempt 20812
value and twenty-five per cent of the district's potential value. 20813~~

(b) For each school district to which division (A)~~(3)~~(2)(a) 20814
of this section applies, the department shall adjust the 20815
recognized valuation used in the calculation under division (A)(1) 20816
of this section by subtracting from it the amount calculated under 20817
division (A)~~(3)~~(2)(a) of this section. 20818

(B) As used in this section: 20819

(1) The "total special education weight" for a district means 20820
the sum of the following amounts: 20821

(a) The district's category one special education ADM 20822
multiplied by the multiple specified in division (A) of section 20823
3317.013 of the Revised Code; 20824

(b) The district's category two special education ADM 20825
multiplied by the multiple specified in division (B) of section 20826
3317.013 of the Revised Code; 20827

(c) The district's category three special education ADM 20828
multiplied by the multiple specified in division (C) of section 20829
3317.013 of the Revised Code; 20830

(d) The district's category four special education ADM 20831
multiplied by the multiple specified in division (D) of section 20832
3317.013 of the Revised Code; 20833

(e) The district's category five special education ADM 20834
multiplied by the multiple specified in division (E) of section 20835
3317.013 of the Revised Code; 20836

(f) The district's category six special education ADM 20837
multiplied by the multiple specified in division (F) of section 20838
3317.013 of the Revised Code. 20839

(2) "State share percentage" means the percentage calculated 20840
for a district as follows: 20841

(a) Calculate the state base cost funding amount for the 20842
district for the fiscal year under division (A) of this section. 20843

If the district would not receive any state base cost funding for 20844
that year under that division, the district's state share 20845
percentage is zero. 20846

(b) If the district would receive state base cost funding 20847
under that division, divide that amount by an amount equal to the 20848
following: 20849

~~(Cost of doing business factor X~~ 20850
the formula amount X formula ADM) + 20851
the sum of the base funding supplements 20852
prescribed in divisions (C)(1) to (4) 20853
of section 3317.012 of the Revised Code ± 20854
the sum of the amounts calculated for the district under 20855
sections 3317.029 and 3317.0217 of the Revised Code 20856

The resultant number is the district's state share 20857
percentage. 20858

(3) "Related services" includes: 20859

(a) Child study, special education supervisors and 20860
coordinators, speech and hearing services, adaptive physical 20861
development services, occupational or physical therapy, teacher 20862
assistants for handicapped children whose handicaps are described 20863
in division (B) of section 3317.013 or division (F)(3) of section 20864
3317.02 of the Revised Code, behavioral intervention, interpreter 20865
services, work study, nursing services, and specialized 20866
integrative services as those terms are defined by the department; 20867

(b) Speech and language services provided to any student with 20868
a handicap, including any student whose primary or only handicap 20869
is a speech and language handicap; 20870

(c) Any related service not specifically covered by other 20871
state funds but specified in federal law, including but not 20872
limited to, audiology and school psychological services; 20873

(d) Any service included in units funded under former 20874

division (O)(1) of section 3317.023 <u>3317.024</u> of the Revised Code;	20875
(e) Any other related service needed by handicapped children	20876
in accordance with their individualized education plans.	20877
(4) The "total vocational education weight" for a district	20878
means the sum of the following amounts:	20879
(a) The district's category one vocational education ADM	20880
multiplied by the multiple specified in division (A) of section	20881
3317.014 of the Revised Code;	20882
(b) The district's category two vocational education ADM	20883
multiplied by the multiple specified in division (B) of section	20884
3317.014 of the Revised Code.	20885
(5) "Preschool scholarship ADM" means the number of	20886
handicapped preschool children reported under division (B)(3)(h)	20887
of section 3317.03 of the Revised Code.	20888
(C)(1) The department shall compute and distribute state	20889
special education and related services additional weighted costs	20890
funds to each school district in accordance with the following	20891
formula:	20892
The district's state share percentage X	20893
the formula amount for the year for which	20894
the aid is calculated X the district's	20895
total special education weight	20896
(2) The attributed local share of special education and	20897
related services additional weighted costs equals:	20898
(1 - the district's state share percentage) X the district's	20899
total special education weight X the formula amount	20900
(3)(a) The department shall compute and pay in accordance	20901
with this division additional state aid to school districts for	20902
students in categories two through six special education ADM. If a	20903
district's costs for the fiscal year for a student in its	20904

categories two through six special education ADM exceed the 20905
threshold catastrophic cost for serving the student, the district 20906
may submit to the superintendent of public instruction 20907
documentation, as prescribed by the superintendent, of all its 20908
costs for that student. Upon submission of documentation for a 20909
student of the type and in the manner prescribed, the department 20910
shall pay to the district an amount equal to the sum of the 20911
following: 20912

(i) One-half of the district's costs for the student in 20913
excess of the threshold catastrophic cost; 20914

(ii) The product of one-half of the district's costs for the 20915
student in excess of the threshold catastrophic cost multiplied by 20916
the district's state share percentage. 20917

(b) For purposes of division (C)(3)(a) of this section, the 20918
threshold catastrophic cost for serving a student equals: 20919

(i) For a student in the school district's category two, 20920
three, four, or five special education ADM, ~~twenty five thousand~~ 20921
~~dollars in fiscal year 2002, twenty five thousand seven hundred~~ 20922
~~dollars in fiscal years 2003, 2004, and 2005, and twenty six~~ 20923
~~thousand five hundred dollars in fiscal years 2006 and 2007~~ 20924
twenty-seven thousand three hundred seventy-five dollars in fiscal 20925
years 2008 and 2009; 20926

(ii) For a student in the district's category six special 20927
education ADM, ~~thirty thousand dollars in fiscal year 2002, thirty~~ 20928
~~thousand eight hundred forty dollars in fiscal years 2003, 2004,~~ 20929
~~and 2005, and thirty one thousand eight hundred dollars in fiscal~~ 20930
~~years 2006 and 2007~~ thirty-two thousand eight hundred fifty 20931
dollars in fiscal years 2008 and 2009. 20932

(c) The district shall only report under division (C)(3)(a) 20933
of this section, and the department shall only pay for, the costs 20934
of educational expenses and the related services provided to the 20935

student in accordance with the student's individualized education 20936
program. Any legal fees, court costs, or other costs associated 20937
with any cause of action relating to the student may not be 20938
included in the amount. 20939

(4)(a) As used in this division, the "personnel allowance" 20940
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 20941
~~2005, 2006, and 2007~~ 2008 and 2009. 20942

(b) For the provision of speech language pathology services 20943
to students, including students who do not have individualized 20944
education programs prepared for them under Chapter 3323. of the 20945
Revised Code, and for no other purpose, the department of 20946
education shall pay each school district an amount calculated 20947
under the following formula: 20948

(formula ADM divided by 2000) X 20949
the personnel allowance X 20950
the state share percentage 20951

(5) In any fiscal year, a school district shall spend for 20952
purposes that the department designates as approved for special 20953
education and related services expenses at least the amount 20954
calculated as follows: 20955

~~(cost of doing business factor X~~ 20956
formula amount X the sum of categories 20957
one through six special education ADM) + 20958
(total special education weight X formula amount) 20959

The purposes approved by the department for special education 20960
expenses shall include, but shall not be limited to, 20961
identification of handicapped children, compliance with state 20962
rules governing the education of handicapped children and 20963
prescribing the continuum of program options for handicapped 20964
children, provision of speech language pathology services, and the 20965
portion of the school district's overall administrative and 20966
overhead costs that are attributable to the district's special 20967

education student population. 20968

The scholarships deducted from the school district's account 20969
under section 3310.41 of the Revised Code shall be considered to 20970
be an approved special education and related services expense for 20971
the purpose of the school district's compliance with division 20972
(C)(5) of this section. 20973

The department shall require school districts to report data 20974
annually to allow for monitoring compliance with division (C)(5) 20975
of this section. The department shall annually report to the 20976
governor and the general assembly the amount of money spent by 20977
each school district for special education and related services. 20978

(6) In any fiscal year, a school district shall spend for the 20979
provision of speech language pathology services not less than the 20980
sum of the amount calculated under division (C)(1) of this section 20981
for the students in the district's category one special education 20982
ADM and the amount calculated under division (C)(4) of this 20983
section. 20984

(D)(1) As used in this division: 20985

(a) "Daily bus miles per student" equals the number of bus 20986
miles traveled per day, divided by transportation base. 20987

(b) "Transportation base" equals total student count as 20988
defined in section 3301.011 of the Revised Code, minus the number 20989
of students enrolled in preschool handicapped units, plus the 20990
number of nonpublic school students included in transportation 20991
ADM. 20992

(c) "Transported student percentage" equals transportation 20993
ADM divided by transportation base. 20994

(d) "Transportation cost per student" equals total operating 20995
costs for board-owned or contractor-operated school buses divided 20996
by transportation base. 20997

(2) Analysis of student transportation cost data has resulted 20998
in a finding that an average efficient transportation use cost per 20999
student can be calculated by means of a regression formula that 21000
has as its two independent variables the number of daily bus miles 21001
per student and the transported student percentage. For fiscal 21002
year 1998 transportation cost data, the average efficient 21003
transportation use cost per student is expressed as follows: 21004

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + 21005 \\ (116.25573 \times \text{transported student percentage}) 21006$$

The department of education shall annually determine the 21007
average efficient transportation use cost per student in 21008
accordance with the principles stated in division (D)(2) of this 21009
section, updating the intercept and regression coefficients of the 21010
regression formula modeled in this division, based on an annual 21011
statewide analysis of each school district's daily bus miles per 21012
student, transported student percentage, and transportation cost 21013
per student data. The department shall conduct the annual update 21014
using data, including daily bus miles per student, transported 21015
student percentage, and transportation cost per student data, from 21016
the prior fiscal year. The department shall notify the office of 21017
budget and management of such update by the fifteenth day of 21018
February of each year. 21019

(3) In addition to funds paid under divisions (A), (C), and 21020
(E) of this section, each district with a transported student 21021
percentage greater than zero shall receive a payment equal to a 21022
percentage of the product of the district's transportation base 21023
from the prior fiscal year times the annually updated average 21024
efficient transportation use cost per student, times an inflation 21025
factor of two and eight tenths per cent to account for the 21026
one-year difference between the data used in updating the formula 21027
and calculating the payment and the year in which the payment is 21028
made. The percentage shall be the following percentage of that 21029

product specified for the corresponding fiscal year:		21030
FISCAL YEAR	PERCENTAGE	21031
2000	52.5%	21032
2001	55%	21033
2002	57.5%	21034
2003 and thereafter	The greater of 60% or the district's state share percentage	21035

The payments made under division (D)(3) of this section each year shall be calculated based on all of the same prior year's data used to update the formula.

(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply:

(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section;

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula:

$$\begin{aligned} & (\text{per rough mile subsidy} \times \text{total rough road miles}) \\ & \quad \times \text{density multiplier} \end{aligned}$$

where:

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:

$$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$$

- (i) "Maximum rough road percentage" means the highest county rough road percentage in the state. 21058
21059
- (ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost-of-doing-business factor. 21060
21061
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- (iii) "Statewide rough road percentage" means the percentage of the statewide total mileage of state, municipal, county, and township roads that is rated as type A, B, C, E2, or F by the department of transportation. 21067
21068
21069
21070
- (b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage. 21071
21072
21073
- (c) "Density multiplier" means a figure calculated in accordance with the following formula: 21074
21075
- $$1 - [(\text{minimum student density} - \text{district student density}) / (\text{minimum student density} - \text{statewide student density})]$$
- 21076
21077
21078
- (i) "Minimum student density" means the lowest district student density in the state. 21079
21080
- (ii) "District student density" means a school district's transportation base divided by the number of square miles in the district. 21081
21082
21083
- (iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts. 21084
21085
21086
- (6) In addition to funds paid under divisions (D)(2) to (5) 21087

of this section, each district shall receive in accordance with 21088
rules adopted by the state board of education a payment for 21089
students transported by means other than board-owned or 21090
contractor-operated buses and whose transportation is not funded 21091
under division (G) of section 3317.024 of the Revised Code. The 21092
rules shall include provisions for school district reporting of 21093
such students. 21094

(E)(1) The department shall compute and distribute state 21095
vocational education additional weighted costs funds to each 21096
school district in accordance with the following formula: 21097

state share percentage X 21098
the formula amount X 21099
total vocational education weight 21100

In any fiscal year, a school district receiving funds under 21101
division (E)(1) of this section shall spend those funds only for 21102
the purposes that the department designates as approved for 21103
vocational education expenses. Vocational educational expenses 21104
approved by the department shall include only expenses connected 21105
to the delivery of career-technical programming to 21106
career-technical students. The department shall require the school 21107
district to report data annually so that the department may 21108
monitor the district's compliance with the requirements regarding 21109
the manner in which funding received under division (E)(1) of this 21110
section may be spent. 21111

(2) The department shall compute for each school district 21112
state funds for vocational education associated services in 21113
accordance with the following formula: 21114

state share percentage X .05 X the formula amount X 21115
the sum of categories one and two vocational education ADM 21116

In any fiscal year, a school district receiving funds under 21117
division (E)(2) of this section, or through a transfer of funds 21118
pursuant to division (L) of section 3317.023 of the Revised Code, 21119

shall spend those funds only for the purposes that the department 21120
designates as approved for vocational education associated 21121
services expenses, which may include such purposes as 21122
apprenticeship coordinators, coordinators for other vocational 21123
education services, vocational evaluation, and other purposes 21124
designated by the department. The department may deny payment 21125
under division (E)(2) of this section to any district that the 21126
department determines is not operating those services or is using 21127
funds paid under division (E)(2) of this section, or through a 21128
transfer of funds pursuant to division (L) of section 3317.023 of 21129
the Revised Code, for other purposes. 21130

(F) The actual local share in any fiscal year for the 21131
combination of special education and related services additional 21132
weighted costs funding calculated under division (C)(1) of this 21133
section, transportation funding calculated under divisions (D)(2) 21134
and (3) of this section, and vocational education and associated 21135
services additional weighted costs funding calculated under 21136
divisions (E)(1) and (2) of this section shall not exceed for any 21137
school district the product of three and three-tenths mills times 21138
the district's recognized valuation. The department annually shall 21139
pay each school district as an excess cost supplement any amount 21140
by which the sum of the district's attributed local shares for 21141
that funding exceeds that product. For purposes of calculating the 21142
excess cost supplement: 21143

(1) The attributed local share for special education and 21144
related services additional weighted costs funding is the amount 21145
specified in division (C)(2) of this section. 21146

(2) The attributed local share of transportation funding 21147
equals the difference of the total amount calculated for the 21148
district using the formula developed under division (D)(2) of this 21149
section minus the actual amount paid to the district after 21150
applying the percentage specified in division (D)(3) of this 21151

section.	21152
(3) The attributed local share of vocational education and associated services additional weighted costs funding is the amount determined as follows:	21153 21154 21155
(1 - state share percentage) X	21156
[(total vocational education weight X the formula amount) + the payment under division (E)(2) of this section]	21157 21158 21159
Sec. 3317.023. (A) Notwithstanding section 3317.022 of the Revised Code, the amounts required to be paid to a district under this chapter shall be adjusted by the amount of the computations made under divisions (B) to (O) <u>(P)</u> of this section.	21160 21161 21162 21163
As used in this section:	21164
(1) "Classroom teacher" means a licensed employee who provides direct instruction to pupils, excluding teachers funded from money paid to the district from federal sources; educational service personnel; and vocational and special education teachers.	21165 21166 21167 21168
(2) "Educational service personnel" shall not include such specialists funded from money paid to the district from federal sources or assigned full-time to vocational or special education students and classes and may only include those persons employed in the eight specialist areas in a pattern approved by the department of education under guidelines established by the state board of education.	21169 21170 21171 21172 21173 21174 21175
(3) "Annual salary" means the annual base salary stated in the state minimum salary schedule for the performance of the teacher's regular teaching duties that the teacher earns for services rendered for the first full week of October of the fiscal year for which the adjustment is made under division (C) of this section. It shall not include any salary payments for supplemental	21176 21177 21178 21179 21180 21181

teachers contracts.	21182
(4) "Regular student population" means the formula ADM plus	21183
the number of students reported as enrolled in the district	21184
pursuant to division (A)(1) of section 3313.981 of the Revised	21185
Code; minus the number of students reported under division (A)(2)	21186
of section 3317.03 of the Revised Code; minus the FTE of students	21187
reported under division (B)(6), (7), (8), (9), (10), (11), or (12)	21188
of that section who are enrolled in a vocational education class	21189
or receiving special education; and minus twenty per cent of the	21190
students enrolled concurrently in a joint vocational school	21191
district.	21192
(5) "State share percentage" has the same meaning as in	21193
section 3317.022 of the Revised Code.	21194
(6) "VEPD" means a school district or group of school	21195
districts designated by the department of education as being	21196
responsible for the planning for and provision of vocational	21197
education services to students within the district or group.	21198
(7) "Lead district" means a school district, including a	21199
joint vocational school district, designated by the department as	21200
a VEPD, or designated to provide primary vocational education	21201
leadership within a VEPD composed of a group of districts.	21202
(B) If the district employs less than one full-time	21203
equivalent classroom teacher for each twenty-five pupils in the	21204
regular student population in any school district, deduct the sum	21205
of the amounts obtained from the following computations:	21206
(1) Divide the number of the district's full-time equivalent	21207
classroom teachers employed by one twenty-fifth;	21208
(2) Subtract the quotient in (1) from the district's regular	21209
student population;	21210
(3) Multiply the difference in (2) by seven hundred fifty-two	21211

dollars. 21212

(C) If a positive amount, add one-half of the amount obtained 21213
by multiplying the number of full-time equivalent classroom 21214
teachers by: 21215

(1) The mean annual salary of all full-time equivalent 21216
classroom teachers employed by the district at their respective 21217
training and experience levels minus; 21218

(2) The mean annual salary of all such teachers at their 21219
respective levels in all school districts receiving payments under 21220
this section. 21221

The number of full-time equivalent classroom teachers used in 21222
this computation shall not exceed one twenty-fifth of the 21223
district's regular student population. In calculating the 21224
district's mean salary under this division, those full-time 21225
equivalent classroom teachers with the highest training level 21226
shall be counted first, those with the next highest training level 21227
second, and so on, in descending order. Within the respective 21228
training levels, teachers with the highest years of service shall 21229
be counted first, the next highest years of service second, and so 21230
on, in descending order. 21231

(D) This division does not apply to a school district that 21232
has entered into an agreement under division (A) of section 21233
3313.42 of the Revised Code. Deduct the amount obtained from the 21234
following computations if the district employs fewer than five 21235
full-time equivalent educational service personnel, including 21236
elementary school art, music, and physical education teachers, 21237
counselors, librarians, visiting teachers, school social workers, 21238
and school nurses for each one thousand pupils in the regular 21239
student population: 21240

(1) Divide the number of full-time equivalent educational 21241
service personnel employed by the district by five 21242

one-thousandths;	21243
(2) Subtract the quotient in (1) from the district's regular student population;	21244 21245
(3) Multiply the difference in (2) by ninety-four dollars.	21246
(E) If a local school district, or a city or exempted village school district to which a governing board of an educational service center provides services pursuant to section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under section 3317.11 of the Revised Code.	21247 21248 21249 21250 21251 21252
(F)(1) If the district is required to pay to or entitled to receive tuition from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code.	21253 21254 21255 21256 21257 21258 21259 21260
(2) For each child for whom the district is responsible for tuition or payment under division (A)(1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.	21261 21262 21263 21264
(G) If the district has been certified by the superintendent of public instruction under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under section 3317.022 of the Revised Code.	21265 21266 21267 21268 21269
(H) If the district has received a loan from a commercial lending institution for which payments are made by the superintendent of public instruction pursuant to division (E)(3) of section 3313.483 of the Revised Code, deduct an amount equal to	21270 21271 21272 21273

such payments. 21274

(I)(1) If the district is a party to an agreement entered 21275
into under division (D), (E), or (F) of section 3311.06 or 21276
division (B) of section 3311.24 of the Revised Code and is 21277
obligated to make payments to another district under such an 21278
agreement, deduct an amount equal to such payments if the district 21279
school board notifies the department in writing that it wishes to 21280
have such payments deducted. 21281

(2) If the district is entitled to receive payments from 21282
another district that has notified the department to deduct such 21283
payments under division (I)(1) of this section, add the amount of 21284
such payments. 21285

(J) If the district is required to pay an amount of funds to 21286
a cooperative education district pursuant to a provision described 21287
by division (B)(4) of section 3311.52 or division (B)(8) of 21288
section 3311.521 of the Revised Code, deduct such amounts as 21289
provided under that provision and credit those amounts to the 21290
cooperative education district for payment to the district under 21291
division (B)(1) of section 3317.19 of the Revised Code. 21292

(K)(1) If a district is educating a student entitled to 21293
attend school in another district pursuant to a shared education 21294
contract, compact, or cooperative education agreement other than 21295
an agreement entered into pursuant to section 3313.842 of the 21296
Revised Code, credit to that educating district on an FTE basis 21297
both of the following: 21298

(a) An amount equal to the ~~greater of the following:~~ 21299

~~(i) The fiscal year 2005 formula amount times the fiscal year 21300
2005 cost of doing business factor of the school district where 21301
the student is entitled to attend school pursuant to section 21302
3313.64 or 3313.65 of the Revised Code;~~ 21303

~~(ii) The sum of (the current formula amount times the current 21304~~

~~cost of doing business factor of the school district when the~~ 21305
~~student is entitled to attend school pursuant to section 3313.64~~ 21306
~~or 3313.65 of the Revised Code)~~ plus the per pupil amount of the 21307
base funding supplements specified in divisions (C)(1) to (4) of 21308
section 3317.012 of the Revised Code. 21309

(b) An amount equal to the current formula amount times the 21310
state share percentage times any multiple applicable to the 21311
student pursuant to section 3317.013 or 3317.014 of the Revised 21312
Code. 21313

(2) Deduct any amount credited pursuant to division (K)(1) of 21314
this section from amounts paid to the school district in which the 21315
student is entitled to attend school pursuant to section 3313.64 21316
or 3313.65 of the Revised Code. 21317

(3) If the district is required by a shared education 21318
contract, compact, or cooperative education agreement to make 21319
payments to an educational service center, deduct the amounts from 21320
payments to the district and add them to the amounts paid to the 21321
service center pursuant to section 3317.11 of the Revised Code. 21322

(L)(1) If a district, including a joint vocational school 21323
district, is a lead district of a VEPD, credit to that district 21324
the amounts calculated for all the school districts within that 21325
VEPD pursuant to division (E)(2) of section 3317.022 of the 21326
Revised Code. 21327

(2) Deduct from each appropriate district that is not a lead 21328
district, the amount attributable to that district that is 21329
credited to a lead district under division (L)(1) of this section. 21330

(M) If the department pays a joint vocational school district 21331
under division (G)(4) of section 3317.16 of the Revised Code for 21332
excess costs of providing special education and related services 21333
to a handicapped student, as calculated under division (G)(2) of 21334
that section, the department shall deduct the amount of that 21335

payment from the city, local, or exempted village school district 21336
that is responsible as specified in that section for the excess 21337
costs. 21338

(N)(1) If the district reports an amount of excess cost for 21339
special education services for a child under division (C) of 21340
section 3323.14 of the Revised Code, the department shall pay that 21341
amount to the district. 21342

(2) If the district reports an amount of excess cost for 21343
special education services for a child under division (C) of 21344
section 3323.14 of the Revised Code, the department shall deduct 21345
that amount from the district of residence of that child. 21346

(O) If the department of job and family services presents to 21347
the department of education a payment request through an 21348
intrastate transfer voucher for the nonfederal share of 21349
reimbursements made to a school district for medicaid services 21350
provided by the district, the department of education shall pay 21351
the amount of that request to the department of job and family 21352
services and shall deduct the amount of that payment from the 21353
district. 21354

(P) If the department is required to pay an amount under 21355
section 3353.25 of the Revised Code to a school district 21356
delivering a course included in the clearinghouse established 21357
under section 3353.21 of the Revised Code for a student enrolled 21358
in a school district, the department shall deduct that amount from 21359
the school district in which the student is enrolled. 21360

Sec. 3317.024. In addition to the moneys paid to eligible 21361
school districts pursuant to section 3317.022 of the Revised Code, 21362
moneys appropriated for the education programs in divisions (A) to 21363
(I), (K), (L), and (N) of this section shall be distributed to 21364
school districts meeting the requirements of section 3317.01 of 21365
the Revised Code; in the case of divisions (G) and (L) of this 21366

section, to educational service centers as provided in section 21367
3317.11 of the Revised Code; in the case of divisions (D) and (J) 21368
of this section, to county MR/DD boards; in the case of division 21369
(N) of this section, to joint vocational school districts; in the 21370
case of division (H) of this section, to cooperative education 21371
school districts; and in the case of division (M) of this section, 21372
to the institutions defined under section 3317.082 of the Revised 21373
Code providing elementary or secondary education programs to 21374
children other than children receiving special education under 21375
section 3323.091 of the Revised Code. The following shall be 21376
distributed monthly, quarterly, or annually as may be determined 21377
by the state board of education: 21378

(A) An amount for each island school district and each joint 21379
state school district for the operation of each high school and 21380
each elementary school maintained within such district and for 21381
capital improvements for such schools. Such amounts shall be 21382
determined on the basis of standards adopted by the state board of 21383
education. 21384

(B) An amount for each school district operating classes for 21385
children of migrant workers who are unable to be in attendance in 21386
an Ohio school during the entire regular school year. The amounts 21387
shall be determined on the basis of standards adopted by the state 21388
board of education, except that payment shall be made only for 21389
subjects regularly offered by the school district providing the 21390
classes. 21391

(C) An amount for each school district with guidance, 21392
testing, and counseling programs approved by the state board of 21393
education. The amount shall be determined on the basis of 21394
standards adopted by the state board of education. 21395

(D) An amount for the emergency purchase of school buses as 21396
provided for in section 3317.07 of the Revised Code; 21397

(E) An amount for each school district required to pay 21398
tuition for a child in an institution maintained by the department 21399
of youth services pursuant to section 3317.082 of the Revised 21400
Code, provided the child was not included in the calculation of 21401
the district's average daily membership for the preceding school 21402
year. 21403

(F) An amount for adult basic literacy education for each 21404
district participating in programs approved by the state board of 21405
education. The amount shall be determined on the basis of 21406
standards adopted by the state board of education. 21407

(G) An amount for the approved cost of transporting eligible 21408
pupils with disabilities attending a special education program 21409
approved by the department of education whom it is impossible or 21410
impractical to transport by regular school bus in the course of 21411
regular route transportation provided by the district or service 21412
center. No district or service center is eligible to receive a 21413
payment under this division for the cost of transporting any pupil 21414
whom it transports by regular school bus and who is included in 21415
the district's transportation ADM. The state board of education 21416
shall establish standards and guidelines for use by the department 21417
of education in determining the approved cost of such 21418
transportation for each district or service center. 21419

(H) An amount to each school district, including each 21420
cooperative education school district, pursuant to section 3313.81 21421
of the Revised Code to assist in providing free lunches to needy 21422
children and an amount to assist needy school districts in 21423
purchasing necessary equipment for food preparation. The amounts 21424
shall be determined on the basis of rules adopted by the state 21425
board of education. 21426

(I) An amount to each school district, for each pupil 21427
attending a chartered nonpublic elementary or high school within 21428
the district. The amount shall equal the amount appropriated for 21429

the implementation of section 3317.06 of the Revised Code divided 21430
by the average daily membership in grades kindergarten through 21431
twelve in nonpublic elementary and high schools within the state 21432
as determined during the first full week in October of each school 21433
year. 21434

(J) An amount for each county MR/DD board, distributed on the 21435
basis of standards adopted by the state board of education, for 21436
the approved cost of transportation required for children 21437
attending special education programs operated by the county MR/DD 21438
board under section 3323.09 of the Revised Code; 21439

(K) An amount for each school district that establishes a 21440
mentor teacher program that complies with rules of the state board 21441
of education. No school district shall be required to establish or 21442
maintain such a program in any year unless sufficient funds are 21443
appropriated to cover the district's total costs for the program. 21444

(L) An amount to each school district or educational service 21445
center for the total number of gifted units approved pursuant to 21446
section 3317.05 of the Revised Code. The amount for each such unit 21447
shall be the sum of the minimum salary for the teacher of the 21448
unit, calculated on the basis of the teacher's training level and 21449
years of experience pursuant to the salary schedule prescribed in 21450
the version of section 3317.13 of the Revised Code in effect prior 21451
to July 1, 2001, plus fifteen per cent of that minimum salary 21452
amount, plus two thousand six hundred seventy-eight dollars. 21453

(M) An amount to each institution defined under section 21454
3317.082 of the Revised Code providing elementary or secondary 21455
education to children other than children receiving special 21456
education under section 3323.091 of the Revised Code. This amount 21457
for any institution in any fiscal year shall equal the total of 21458
all tuition amounts required to be paid to the institution under 21459
division (A)(1) of section 3317.082 of the Revised Code. 21460

(N) A grant to each school district and joint vocational school district that operates a "graduation, reality, and dual-role skills" (GRADS) program for pregnant and parenting students that is approved by the department. The amount of the payment shall be the district's state share percentage, as defined in section 3317.022 or 3317.16 of the Revised Code, times the GRADS personnel allowance times the full-time-equivalent number of GRADS teachers approved by the department. The GRADS personnel allowance is \$47,555 in fiscal years ~~2004, 2005, 2006, and 2007~~ 2008 and 2009.

The state board of education or any other board of education or governing board may provide for any resident of a district or educational service center territory any educational service for which funds are made available to the board by the United States under the authority of public law, whether such funds come directly or indirectly from the United States or any agency or department thereof or through the state or any agency, department, or political subdivision thereof.

Sec. 3317.025. On or before the first day of June of each year, the tax commissioner shall certify the following information to the department of education and the office of budget and management, for each school district in which the value of the property described under division (A) of this section exceeds one per cent of the taxable value of all real and tangible personal property in the district or in which is located tangible personal property designed for use or used in strip mining operations, whose taxable value exceeds five million dollars, and the taxes upon which the district is precluded from collecting by virtue of legal proceedings to determine the value of such property:

(A) The total taxable value of all property in the district owned by a public utility or railroad that has filed a petition

for reorganization under the "Bankruptcy Act," 47 Stat. 1474 21492
(1898), 11 U.S.C. 205, as amended, and all tangible personal 21493
property in the district designed for use or used in strip mining 21494
operations whose taxable value exceeds five million dollars upon 21495
which have not been paid in full on or before the first day of 21496
April of that calendar year all real and tangible personal 21497
property taxes levied for the preceding calendar year and which 21498
the district was precluded from collecting by virtue of 21499
proceedings under section 205 of said act or by virtue of legal 21500
proceedings to determine the tax liability of such strip mining 21501
equipment; 21502

(B) The percentage of the total operating taxes charged and 21503
payable for school district purposes levied against such valuation 21504
for the preceding calendar year that have not been paid by such 21505
date; 21506

(C) The product obtained by multiplying the value certified 21507
under division (A) of this section by the percentage certified 21508
under division (B) of this section. If the value certified under 21509
division (A) of this section includes taxable property owned by a 21510
public utility or railroad that has filed a petition for 21511
reorganization under the bankruptcy act, the amount used in making 21512
the calculation under this division shall be reduced by one per 21513
cent of the total value of all real and tangible personal property 21514
in the district or the value of the utility's or railroad's 21515
property, whichever is less. 21516

Upon receipt of the certification, the department shall 21517
recompute the payments required under section 3317.022 of the 21518
Revised Code in the manner the payments would have been computed 21519
if: 21520

(1) The amount certified under division (C) of this section 21521
was not subject to taxation by the district and was not included 21522
in the certification made under division (A)(1), (A)(2), or (D) of 21523

section 3317.021 of the Revised Code. 21524

(2) The amount of taxes charged and payable and unpaid and 21525
used to make the computation under division (B) of this section 21526
had not been levied and had not been used in the computation 21527
required by division (B) of section 3317.021 of the Revised Code. 21528
The department shall pay the district that amount in the ensuing 21529
fiscal year in lieu of the amounts computed under section 3317.022 21530
of the Revised Code. 21531

If a school district received a grant from the catastrophic 21532
expenditures account pursuant to division (C) of section 3316.20 21533
of the Revised Code on the basis of the same circumstances for 21534
which a recomputation is made under this section, the amount of 21535
the recomputation shall be reduced and transferred in accordance 21536
with division (C) of section 3316.20 of the Revised Code. 21537

Sec. 3317.026. (A) As used in this section, "refunded taxes" 21538
means taxes charged and payable from real and tangible personal 21539
property, including public utility property, that have been found 21540
to have been overpaid as the result of reductions in the taxable 21541
value of such property and that have been refunded, including any 21542
interest or penalty refunded with those taxes. If taxes are 21543
refunded over a period of time pursuant to division (B)(2), (3), 21544
or (4) of section 319.36 or division (C) of section 5727.471 of 21545
the Revised Code, the total amount of taxes required to be 21546
refunded, excluding any interest accruing after the day the 21547
undertaking is entered into, shall be considered to have been 21548
refunded on the day the first portion of the overpayment is paid 21549
or credited. 21550

(B) Not later than the last day of February each year, each 21551
county auditor shall certify to the tax commissioner, for each 21552
school district in the county, the amount of refunded taxes 21553
refunded in the preceding calendar year and the reductions in 21554

taxable value that resulted in those refunds, except for 21555
reductions in taxable value that previously have been reported to 21556
the tax commissioner on an abstract. If the tax commissioner 21557
determines that the amount of refunded taxes certified for a 21558
school district exceeds three per cent of the total taxes charged 21559
and payable for current expenses of the school district for the 21560
calendar year in which those taxes were refunded, the tax 21561
commissioner shall certify the reductions in taxable value that 21562
resulted in those refunds on or before the first day of June to 21563
the department of education and the office of budget and 21564
management. Upon receiving the certification by the tax 21565
commissioner, the department of education shall reduce the total 21566
taxable value of the school district, as defined in section 21567
3317.02 of the Revised Code, by the total amount of the reductions 21568
in taxable value that resulted in those refunds for the purpose of 21569
computing the ~~SF-3 payment~~ state education aid for the school 21570
district for the current fiscal year. The increase in the amount 21571
of such aid resulting from the adjustment required by this section 21572
shall be paid to the school district ~~on or before the thirty first~~ 21573
~~day of July of the following fiscal year.~~ The payment date shall 21574
be determined by the director of budget and management. The 21575
director shall select a payment date that is not earlier than the 21576
first day of June of the current fiscal year and not later than 21577
the thirty-first day of July of the following fiscal year. The 21578
department of education shall not pay the district under this 21579
section prior to approval by the director of budget and management 21580
to make that payment. 21581

If an adjustment is made under this division in the amount of 21582
state aid paid to a school district, the tax value reductions from 21583
which that adjustment results shall not be used in recomputing aid 21584
to a school district under section 3317.027 of the Revised Code. 21585

(C) If a school district received a grant from the 21586

catastrophic expenditures account pursuant to division (C) of 21587
section 3316.20 of the Revised Code on the basis of the same 21588
circumstances for which an adjustment is made under this section, 21589
the amount of the adjustment shall be reduced and transferred in 21590
accordance with division (C) of section 3316.20 of the Revised 21591
Code. 21592

(D) Not later than the first day of June each year, the tax 21593
commissioner shall certify to the department of education and the 21594
office of budget and management for each school district the total 21595
of the increases in taxable value above the amount of taxable 21596
value on which tax was paid, as provided in division (B)(1) or (2) 21597
of section 5727.47 of the Revised Code, as determined by the 21598
commissioner, and for which a notification was sent pursuant to 21599
section 5727.471 of the Revised Code, in the preceding calendar 21600
year. Upon receiving the certification, the department shall 21601
increase the total taxable value, as defined in section 3317.02 of 21602
the Revised Code, of the school district by the total amount of 21603
the increase in taxable value certified by the commissioner for 21604
the school district for the purpose of computing the school 21605
district's ~~SF-3 payment~~ state education aid for the following 21606
fiscal year. 21607

Sec. 3317.027. On or before the fifteenth day of May of each 21608
year, the tax commissioner shall certify to the department of 21609
education and the office of budget and management: 21610

(A) The amount by which applications filed under section 21611
5713.38 of the Revised Code or complaints filed under section 21612
5715.19 of the Revised Code resulted in a reduction in the second 21613
preceding year's taxable value in each school district in which 21614
such a reduction occurred, and the amount by which such reduction 21615
reduced the district's taxes charged and payable for such year; 21616
and 21617

(B) The taxes charged and payable for the second preceding 21618
tax year that were remitted under section 5713.081 of the Revised 21619
Code and the taxable value against which such taxes were imposed. 21620

Upon receipt of such certifications, the department shall 21621
recompute the district's ~~SF-3 payment~~ state education aid and 21622
determine the amount that the ~~SF-3 payment~~ state education aid 21623
would have been ~~paid~~ had the taxable value not been used in the 21624
computation made under division (A)(1) of section 3317.021 of the 21625
Revised Code and had the taxes charged and payable not been 21626
included in the certification made under division (A)(3) of such 21627
section. The department shall calculate the amount that the 21628
remainder of the fiscal year's payments should have been for the 21629
fiscal year including the amount of the ~~SF-3 payment~~ state 21630
education aid as recomputed. The increase or decrease in the 21631
amount of aid resulting from the adjustment required under this 21632
section shall be paid to the school district ~~on or before the~~ 21633
~~thirty-first day of July of the following fiscal year. The payment~~ 21634
~~date shall be determined by the director of budget and management.~~ 21635
The director shall select a payment date that is not earlier than 21636
the first day of June of the current fiscal year and not later 21637
than the thirty-first day of July of the following fiscal year. 21638
The department of education shall not pay the district under this 21639
section prior to approval by the director of budget and management 21640
to make that payment. 21641

If a school district received a grant from the catastrophic 21642
expenditures account pursuant to division (C) of section 3316.20 21643
of the Revised Code on the basis of the same circumstances for 21644
which a recomputation is made under this section, the amount of 21645
the recomputation shall be reduced and transferred in accordance 21646
with division (C) of section 3316.20 of the Revised Code. 21647

Sec. 3317.028. (A) On or before the fifteenth day of May in 21648

each calendar year prior to calendar year 2007, the tax 21649
commissioner shall determine for each school district whether the 21650
taxable value of all tangible personal property, including utility 21651
tangible personal property, subject to taxation by the district in 21652
the preceding tax year was less or greater than the taxable value 21653
of such property during the second preceding tax year. If any such 21654
decrease exceeds five per cent of the district's tangible personal 21655
property taxable value included in the total taxable value used in 21656
computing the district's ~~SF-3 payment~~ state education aid for the 21657
fiscal year that ends in the current calendar year, or if any such 21658
increase exceeds five per cent of the district's total taxable 21659
value used in computing the district's ~~SF-3 payment~~ state 21660
education aid for the fiscal year that ends in the current 21661
calendar year, the tax commissioner shall certify both of the 21662
following to the department of education and the office of budget 21663
and management: 21664

(1) The taxable value of the tangible personal property 21665
increase or decrease, including utility tangible personal property 21666
increase or decrease, which shall be considered a change in 21667
valuation; 21668

(2) The decrease or increase in taxes charged and payable on 21669
such change in taxable value calculated in the same manner as in 21670
division (A)(3) of section 3317.021 of the Revised Code. 21671

(B) On or before May 15, 2007, and the fifteenth day of May 21672
in each calendar year thereafter, the tax commissioner shall 21673
determine for each school district whether the taxable value of 21674
all utility tangible personal property subject to taxation by the 21675
district in the preceding tax year was less or greater than the 21676
taxable value of such property during the second preceding tax 21677
year. If any decrease exceeds five per cent of the district's 21678
tangible personal property taxable value included in the total 21679
taxable value used in the district's state aid computation for the 21680

fiscal year that ends in the current calendar year, or if any
increase exceeds five per cent of the district's total taxable
value used in the district's state education aid computation for
the fiscal year that ends in the current calendar year, the tax
commissioner shall certify both of the following to the department
of education and the office of budget and management:

(1) The taxable value of the utility tangible personal
property increase or decrease, which shall be considered a change
in valuation;

(2) The decrease or increase in taxes charged and payable on
such change in taxable value calculated in the same manner as in
division (A)(3) of section 3317.021 of the Revised Code.

(C) Upon receipt of a certification specified in this
section, the department of education shall reduce or increase by
the respective amounts certified and the taxable value and the
taxes charged and payable that were used in computing the
district's ~~SF-3 payment~~ state education aid for the fiscal year
that ends in the current calendar year and shall recompute the
~~SF-3 payment~~ state education aid for such fiscal year. The
department shall pay ~~the district a sum equal to one half of the~~
~~recomputed payments in lieu of the payments otherwise required~~
~~under that section on or before the thirty first day of July of~~
the following fiscal year to or deduct from the district an amount
equal to one-half of the difference between the district's state
education aid prior to the recomputation under this section and
the district's recomputed state education aid. The payment date
shall be determined by the director of budget and management. The
director shall select a payment date that is not earlier than the
first day of June of the current fiscal year and not later than
the thirty-first day of July of the following fiscal year. The
department of education shall not pay the district under this
section prior to approval by the director of budget and management

to make that payment. 21713

(D) If a school district received a grant from the 21714
catastrophic expenditures account pursuant to division (C) of 21715
section 3316.20 of the Revised Code on the basis of the same 21716
circumstances for which a recomputation is made under this 21717
section, the amount of the recomputation shall be reduced and 21718
transferred in accordance with division (C) of section 3316.20 of 21719
the Revised Code. 21720

Sec. 3317.029. (A) As used in this section: 21721

(1) "Poverty percentage" means the quotient obtained by 21722
dividing the ~~five-year~~ average number of children ages five to 21723
seventeen residing in the school district and living in a family 21724
receiving assistance under the Ohio works first program or an 21725
antecedent program known as TANF or ADC for the preceding five 21726
years, as certified or adjusted under section 3317.10 of the 21727
Revised Code, by the district's three-year average formula ADM. 21728

(2) "Statewide poverty percentage" means the ~~five-year~~ 21729
average of the total number of children ages five to seventeen 21730
years residing in the state and receiving assistance under the 21731
Ohio works first program or an antecedent program known as TANF or 21732
ADC for the preceding five years, divided by the sum of the 21733
three-year average formula ADMs for all school districts in the 21734
state. 21735

(3) "Poverty index" means the quotient obtained by dividing 21736
the school district's poverty percentage by the statewide poverty 21737
percentage. 21738

(4) "Poverty student count" means the ~~five-year~~ average 21739
number of children ages five to seventeen residing in the school 21740
district and living in a family receiving assistance under the 21741
Ohio works first program or an antecedent program known as TANF or 21742

ADC <u>for the preceding five years</u> , as certified under section	21743
3317.10 of the Revised Code.	21744
(5) "Kindergarten ADM" means the number of students reported	21745
under section 3317.03 of the Revised Code as enrolled in	21746
kindergarten, excluding any kindergarten students reported under	21747
division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised	21748
Code.	21749
(6) "Kindergarten through third grade ADM" means the amount	21750
calculated as follows:	21751
(a) Multiply the kindergarten ADM by the sum of one plus the	21752
all-day kindergarten percentage;	21753
(b) Add the number of students in grades one through three;	21754
(c) Subtract from the sum calculated under division (A)(6)(b)	21755
of this section the number of special education students in grades	21756
kindergarten through three.	21757
"Kindergarten through third grade ADM" shall not include any	21758
students reported under division (B)(3)(e), (f), or (g) of section	21759
3317.03 of the Revised Code.	21760
(7) "All-day kindergarten" means a kindergarten class that is	21761
in session five days per week for not less than the same number of	21762
clock hours each day as for pupils in grades one through six.	21763
(8) "All-day kindergarten percentage" means the percentage of	21764
a district's actual total number of students enrolled in	21765
kindergarten who are enrolled in all-day kindergarten.	21766
(9) <u>"All-day kindergarten ADM" means the number of students</u>	21767
<u>reported under section 3317.03 of the Revised Code as enrolled in</u>	21768
<u>all-day kindergarten, excluding any kindergarten students reported</u>	21769
<u>under division (B)(3)(e), (f), or (g) of that section.</u>	21770
(10) <u>"Academic distress percentage" means the quotient of the</u>	21771
<u>number of district-operated buildings in the school district</u>	21772

designated under section 3302.03 of the Revised Code as in a state 21773
of academic watch or academic emergency, divided by the total 21774
number of buildings in the district that were open for instruction 21775
during the same school year to which the ratings apply. 21776

(11) "Statewide academic distress percentage" means the 21777
quotient of the statewide number of school district buildings and 21778
community schools designated under section 3302.03 of the Revised 21779
Code as in a state of academic watch or academic emergency, 21780
divided by the statewide total number of school district buildings 21781
and community schools that were open for instruction during the 21782
same school year to which the ratings apply. 21783

(12) "Academic distress index" means the quotient of the 21784
school district's academic distress percentage, divided by the 21785
statewide academic distress percentage. 21786

(13) "Buildings with the highest concentration of need" means 21787
the school buildings in a district with that meet either of the 21788
following criteria: 21789

(a) Are in school improvement status pursuant to the "No 21790
Child Left Behind Act of 2001," as defined in section 3302.01 of 21791
the Revised Code; 21792

(b) Have percentages of students in ~~grades kindergarten~~ 21793
~~through three~~ receiving assistance under Ohio works first at least 21794
as high as the district-wide percentage of students receiving such 21795
assistance. However, the district shall give priority to any of 21796
those buildings that have been declared to be in a state of 21797
academic watch or academic emergency under section 3302.03 of the 21798
Revised Code. 21799

If, in any fiscal year, the information provided by the 21800
department of job and family services under section 3317.10 of the 21801
Revised Code is insufficient to determine the Ohio works first 21802
percentage in each building, "buildings with the highest 21803

concentration of need" has the meaning given in rules that the 21804
department of education shall adopt. The rules shall base the 21805
definition of "buildings with the highest concentration of need" 21806
on family income of students ~~in grades kindergarten through three~~ 21807
in a manner that, to the extent possible with available data, 21808
approximates the intent ~~of this division and division (K) of this~~ 21809
~~section~~ to designate buildings where the Ohio works first 21810
percentage ~~in those grades~~ equals or exceeds the district-wide 21811
Ohio works first percentage. 21812

(B) ~~In addition to the amounts required to be paid to a~~ 21813
~~school district under section 3317.022 of the Revised Code, the~~ 21814
The department of education shall compute ~~and distribute to for~~ 21815
each school district for poverty-based assistance the ~~greater of~~ 21816
~~the following:~~ 21817

~~(1) The amount the district received in fiscal year 2005 for~~ 21818
~~disadvantaged pupil impact aid pursuant to Section 41.10 of Am.~~ 21819
~~Sub. H.B. 95 of the 125th general assembly, as amended, minus the~~ 21820
~~amount deducted from the district under Section 16 of Am. Sub.~~ 21821
~~S.B. 2 of the 125th general assembly that year for payments to~~ 21822
~~internet and computer based community schools;~~ 21823

~~(2) The sum of the computations made under divisions (C) to~~ 21824
~~(I) and (K) of this section and shall pay that sum to the district~~ 21825
~~in accordance with division (A) of section 3317.022 of the Revised~~ 21826
~~Code.~~ 21827

(C) A payment for academic intervention programs, if the 21828
district's poverty index is greater than or equal to 0.25, 21829
calculated as follows: 21830

(1) If the district's poverty index is greater than or equal 21831
to 0.25, calculate the district's level one amount for large-group 21832
academic intervention for all students as follows: 21833

(a) If the district's poverty index is greater than or equal 21834

to 0.25 but less than 0.75: 21835

large-group intervention units X hourly rate X 21836

level one hours X [(poverty index - 0.25)/0.5] 21837

~~X phase in percentage~~ 21838

Where: 21839

(i) "Large-group intervention units" equals the district's 21840
formula ADM divided by 20; 21841

(ii) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 21842
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009; 21843

(iii) "Level one hours" equals 25 hours~~+~~ 21844

~~(iv) "Phase in percentage" equals 0.60 in fiscal year 2006~~ 21845
~~and 1.00 in fiscal year 2007.~~ 21846

(b) If the district's poverty index is greater than or equal 21847
to 0.75: 21848

large-group intervention units X hourly rate X 21849

level one hours ~~X phase in percentage~~ 21850

Where "large-group intervention units," "hourly rate," and 21851
"level one hours," ~~and "phase in percentage"~~ have the same 21852
meanings as in division (C)(1)(a) of this section. 21853

(2) If the district's poverty index is greater than or equal 21854
to 0.75, calculate the district's level two amount for 21855
medium-group academic intervention for all students as follows: 21856

(a) If the district's poverty index is greater than or equal 21857
to 0.75 but less than 1.50: 21858

medium-group intervention units X hourly rate 21859

X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 21860

~~X phase in percentage~~ 21861

Where: 21862

(i) "Medium group intervention units" equals the district's 21863
formula ADM divided by 15; 21864

(ii) "Hourly rate," and "level one hours," and ~~"phase in percentage"~~ have the same meanings as in division (C)(1)(a) of this section. 21865
21866
21867

(b) If the district's poverty index is greater than or equal to 1.50: 21868
21869

medium-group intervention units X hourly rate X 21870

level two hours ~~X phase in percentage~~ 21871

Where: 21872

(i) "Medium group intervention units" has the same meaning as in division (C)(2)(a)(i) of this section; 21873
21874

(ii) "Hourly rate" and ~~"phase in percentage"~~ have the same ~~meanings~~ meaning as in division (C)(1)(a) of this section; 21875
21876

(iii) "Level two hours" equals 50 hours. 21877

(3) If the district's poverty index is greater than or equal to 1.50, calculate the district's level three amount for small-group academic intervention for impoverished students as follows: 21878
21879
21880
21881

(a) If the district's poverty index is greater than or equal to 1.50 but less than 2.50: 21882
21883

small group intervention units X hourly rate X 21884

{level one hours + [level three hours X 21885

(poverty index - 1.50)]} ~~X phase in percentage~~ 21886

Where: 21887

(i) "Small group intervention units" equals the quotient of (the district's poverty student count times 3) divided by 10; 21888
21889

(ii) "Hourly rate," and "level one hours," and ~~"phase in percentage"~~ have the same meanings as in division (C)(1)(a) of this section; 21890
21891
21892

(iii) "Level three hours" equals 135 hours. 21893

(b) If the district's poverty index is greater than or equal to 2.50:
small group intervention units X hourly rate
X level three hours ~~X phase in percentage~~

Where:

(i) "Small group intervention units" has the same meaning as in division (C)(3)(a)(i) of this section;

(ii) "Hourly rate" ~~and "phase in percentage" have~~ has the same ~~meanings~~ meaning as in division (C)(1)(a) of this section;

(iii) "Level three hours" equals 160 hours.

Any district that receives funds under division (C)(2) or (3) of this section annually shall submit to the department of education by a date established by the department a plan describing how the district will deploy those funds. The deployment measures described in that plan shall comply with any applicable spending requirements prescribed in division (J)(6) of this section or with any order issued by the superintendent of public instruction under section 3317.017 of the Revised Code.

(D) A payment for all-day kindergarten if the poverty index of the school district is greater than or equal to 1.0 or if the district's three-year average formula ADM exceeded seventeen thousand five hundred. In addition, the department shall make a payment under this division to any school district that, in a prior fiscal year, qualified for this payment and provided all-day kindergarten, regardless of changes to the district's poverty index. The department shall calculate the payment under this division by multiplying the all-day ~~kindergarten percentage by the~~ kindergarten ADM ~~and multiplying that product~~ by the formula amount.

(E) A ~~class size reduction~~ payment for increased classroom learning opportunities based on calculating the number of new

teachers necessary to achieve a lower student-teacher ratio, as 21925
follows: 21926

(1) Determine or calculate a formula number of teachers per 21927
one thousand students based on the poverty index of the school 21928
district as follows: 21929

(a) If the poverty index of the school district is less than 21930
1.0, the formula number of teachers is 50.0, which is the number 21931
of teachers per one thousand students at a student-teacher ratio 21932
of twenty to one; 21933

(b) If the poverty index of the school district is greater 21934
than or equal to 1.0, but less than 1.5, the formula number of 21935
teachers is calculated as follows: 21936

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\} \quad 21937$$

Where 50.0 is the number of teachers per one thousand 21938
students at a student-teacher ratio of twenty to one; 0.5 is the 21939
interval from a poverty index of 1.0 to a poverty index of 1.5; 21940
and 16.667 is the difference in the number of teachers per one 21941
thousand students at a student-teacher ratio of fifteen to one and 21942
the number of teachers per one thousand students at a 21943
student-teacher ratio of twenty to one. 21944

(c) If the poverty index of the school district is greater 21945
than or equal to 1.5, the formula number of teachers is 66.667, 21946
which is the number of teachers per one thousand students at a 21947
student-teacher ratio of fifteen to one. 21948

(2) Multiply the formula number of teachers determined or 21949
calculated in division (E)(1) of this section by the kindergarten 21950
through third grade ADM for the district and divide that product 21951
by one thousand; 21952

(3) Calculate the number of new teachers as follows: 21953

(a) Multiply the kindergarten through third grade ADM by 21954

50.0, which is the number of teachers per one thousand students at 21955
a student-teacher ratio of twenty to one, and divide that product 21956
by one thousand; 21957

(b) Subtract the quotient obtained in division (E)(3)(a) of 21958
this section from the product in division (E)(2) of this section. 21959

(4) Multiply the greater of the difference obtained under 21960
division (E)(3) of this section or zero by the statewide average 21961
teachers compensation. For this purpose, the "statewide average 21962
teacher compensation" is ~~\$53,680~~ \$56,754 in fiscal year ~~2006~~ 2008 21963
and ~~\$54,941~~ \$58,621 in fiscal year ~~2007~~ 2009, which includes an 21964
amount for the value of fringe benefits. 21965

(F) A payment for services to limited English proficient 21966
students, if the district's poverty index is greater than or equal 21967
to 1.0 and the proportion of its students who are limited English 21968
proficient, as reported in 2003 on its school district report 21969
issued under section 3302.03 of the Revised Code for the 2002-2003 21970
school year, is greater than or equal to 2.0%, calculated as 21971
follows: 21972

(1) If the district's poverty index is greater than or equal 21973
to 1.0, but less than 1.75, determine the amount per limited 21974
English proficient student as follows: 21975

$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\}$ 21976

X formula amount 21977

(2) If the district's poverty index is greater than or equal 21978
to 1.75, the amount per limited English proficient student equals: 21979

0.25 X formula amount 21980

(3) Multiply the per student amount determined for the 21981
district under division (F)(1) or (2) of this section by the 21982
number of the district's limited English proficient students, 21983
times a phase-in percentage of ~~0.40 in fiscal year 2006~~ and 0.70 21984
in fiscal year ~~2007~~ years 2008 and 2009. For purposes of this 21985

calculation, the number of limited English proficient students for 21986
each district shall be the number determined by the department 21987
when it calculated the district's percentage of limited English 21988
proficient students for its school district report card issued in 21989
2003 for the 2002-2003 school year. 21990

~~Not later than December 31, 2006, the department of education 21991
shall recommend to the general assembly and the director of budget 21992
and management a method of identifying the number of limited 21993
English proficient students for purposes of calculating payments 21994
under this division after fiscal year 2007. 21995~~

(G) A payment for professional development of teachers, if 21996
the district's poverty index is greater than or equal to 1.0, 21997
calculated as follows: 21998

(1) If the district's poverty index is greater than or equal 21999
to 1.0, but less than 1.75, determine the amount per teacher as 22000
follows: 22001

$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount}$ 22002

(2) If the district's poverty index is greater than or equal 22003
to 1.75, the amount per teacher equals: 22004

$0.045 \times \text{formula amount}$ 22005

(3) Determine the number of teachers, as follows: 22006

$(\text{formula ADM}/17)$ 22007

(4) Multiply the per teacher amount determined for the 22008
district under division (G)(1) or (2) of this section by the 22009
number of teachers determined under division (G)(3) of this 22010
section, ~~times a phase in percentage of 0.40 in fiscal year 2006 22011
and 0.70 in fiscal year 2007. 22012~~

(H) A payment for dropout prevention, if the district is a 22013
big eight school district as defined in section 3314.02 of the 22014
Revised Code, calculated as follows: 22015

0.005 X formula amount X poverty index	22016
X formula ADM X phase in percentage	22017
Where "phase in percentage" equals 0.40 in fiscal year 2006	22018
and 0.70 in fiscal year 2007.	22019
(I) An amount for community outreach, if the district is an	22020
urban school district as defined in section 3314.02 of the Revised	22021
Code, calculated as follows:	22022
0.005 X formula amount X poverty index X	22023
formula ADM X phase in percentage	22024
Where "phase in percentage" equals 0.40 in fiscal year 2006	22025
and 0.70 in fiscal year 2007.	22026
(J) This division applies only to school districts whose	22027
poverty index is 1.0 or greater. <u>that receive more than ten</u>	22028
<u>thousand dollars under this section. Each such district shall use</u>	22029
<u>funds paid under this section only for one or more of the</u>	22030
<u>following purposes:</u>	22031
(1) Each school district subject to this division shall first	22032
utilize funds received under this section so that, when combined	22033
with other funds of the district, sufficient funds exist to <u>To</u>	22034
provide all-day kindergarten to at least the number of children in	22035
the district's all-day kindergarten percentage. <u>To satisfy this</u>	22036
requirement, a district may use funds paid under division (C),	22037
(F), (G), (H), or (I) of this section to provide all day	22038
kindergarten in addition to the all-day kindergarten payment under	22039
division (D) of this section. <u>ADM;</u>	22040
(2) Except as permitted under division (J)(1) of this	22041
section, each school district shall use its payment under division	22042
(F) of this section for <u>To provide services to students with</u>	22043
<u>limited English proficiency through</u> one or more of the following	22044
<u>purposes activities:</u>	22045
(a) To hire <u>Hiring</u> teachers for limited English proficient	22046

students or other personnel to provide intervention services for those students;

(b) ~~To contract~~ Contracting for intervention services for those students;

(c) ~~To provide~~ Providing other services to assist those students in passing the third-grade reading achievement test, and to provide for those students the intervention services required by section 3313.608 of the Revised Code.

(3) ~~Except as permitted under division (J)(1) of this section, each school district shall use its payment under division (C) of this section for~~ To provide professional development of teachers or other licensed personnel providing educational services to students only in one or more of the following areas:

(a) Data-based decision making;

(b) Standards-based curriculum models;

(c) ~~Job embedded~~ High quality professional development activities that are research-based, as defined ~~in federal law by state standards developed under section 3319.61 of the Revised Code;~~

(d) Professional learning communities.

In addition, each district that elects to use funds paid under this section for professional development shall ~~use the payment~~ only to implement programs identified on a list of eligible professional development programs provided by the department of education. The department annually shall provide the list to each district receiving a payment under ~~division (C) of this section. However, a district may apply to the department for a waiver to implement an alternative professional development program in one or more of the areas specified in divisions (J)(3)(a) to (c) of this section. If the department grants the~~

~~waiver, the district may use its payment under division (G) of
this section to implement the alternative program.~~ 22077
22078

~~(4) Except as permitted under division (J)(1) of this
section, each big eight school district shall use its payment
under division (H) of this section either for For preventing
at-risk students from dropping out of school, ~~for safety and
security measures described in division (J)(5)(b) of this section,
for academic intervention services described in division (J)(6) of
this section, or for a combination of those purposes.~~ Not later
than September 1, ~~2005~~ 2007, the department of education shall
provide each ~~big eight~~ school district receiving a payment under
this section with a list of dropout prevention programs that it
has determined are successful. The department subsequently may
update the list. Each district that elects to use its payment
under ~~division (H) of~~ this section for dropout prevention shall
use the payment only to implement a dropout prevention program
specified on the department's list. ~~However, a district may apply
to the department for a waiver to implement an alternative dropout
prevention program. If the department grants the waiver, the
district may use its payment under division (H) of this section to
implement the alternative program.~~ 22079
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~~(5) Except as permitted under division (J)(1) of this
section, each urban school district that has a poverty index
greater than or equal to 1.0 shall use its payment under division
(I) of this section for For one or a combination of the following
purposes:~~ 22098
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(a) To hire or contract for community liaison officers,
attendance or truant officers, or safety and security personnel; 22103
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(b) To implement programs designed to ensure that schools are
free of drugs and violence and have a disciplined environment 22105
22106
conducive to learning in accordance with safe school guidelines
adopted by the state board of education; 22107
22108

(c) To implement academic intervention services described in 22109
division (J)(6) of this section. 22110

(6) Except as permitted under division (J)(1) of this 22111
section, each school district with a poverty index greater than or 22112
equal to 1.0 shall use the amount of its payment under division 22113
(C) of this section, ~~and may use any amount of its payment under~~ 22114
~~division (H) or (I) of this section,~~ for academic intervention 22115
services, designed in accordance with student intervention 22116
guidelines adopted by the state board, for students who have 22117
failed or are in danger of failing any of the tests administered 22118
pursuant to section 3301.0710 of the Revised Code, including 22119
intervention services required by section 3313.608 of the Revised 22120
Code. Except as permitted under division (J)(1) of this section, 22121
no district shall spend any portion of its payment under division 22122
(C) of this section for any other purpose. Notwithstanding any 22123
provision to the contrary in Chapter 4117. of the Revised Code, no 22124
collective bargaining agreement entered into after June 30, 2005, 22125
shall require use of the payment for any other purpose. 22126

(7) ~~Except as otherwise required by division (K) or permitted~~ 22127
~~under division (O) of this section, all remaining funds~~ 22128
~~distributed under this section to districts with a poverty index~~ 22129
~~greater than or equal to 1.0 shall be utilized for the purpose of~~ 22130
~~the third grade guarantee. The third grade guarantee consists of~~ 22131
For increased classroom learning opportunities by increasing the 22132
amount of instructional attention received per pupil in 22133
kindergarten through third grade, either by reducing the ratio of 22134
students to instructional personnel or by increasing the amount of 22135
instruction and curriculum-related activities by extending the 22136
length of the school day or the school year. 22137

School districts may implement a reduction of the ratio of 22138
students to instructional personnel through any or all of the 22139
following methods: 22140

(a) Reducing the number of students in a classroom taught by a single teacher;	22141 22142
(b) Employing full-time educational aides or educational paraprofessionals issued a permit or license under section 3319.088 of the Revised Code;	22143 22144 22145
(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom.	22146 22147
Districts may extend the school day either by increasing the amount of time allocated for each class, increasing the number of classes provided per day, offering optional academic-related after-school programs, providing curriculum-related extra curricular activities, or establishing tutoring or remedial services for students who have demonstrated an educational need. In accordance with section 3319.089 of the Revised Code, a district extending the school day pursuant to this division may utilize a participant of the work experience program who has a child enrolled in a public school in that district and who is fulfilling the work requirements of that program by volunteering or working in that public school. If the work experience program participant is compensated, the school district may use the funds distributed under this section for all or part of the compensation.	22148 22149 22150 22151 22152 22153 22154 22155 22156 22157 22158 22159 22160 22161 22162
Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs.	22163 22164 22165
<u>(8) For early childhood programs or early learning programs, as defined by the department of education, for children age three or four who are not eligible for kindergarten;</u>	22166 22167 22168
<u>(9) To furnish, 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</u>	22169 22170 22171

section 3329.06 of the Revised Code, to pupils living in families 22172
participating in Ohio works first in accordance with section 22173
3313.642 of the Revised Code; 22174

(10) For programs designed to reduce nonacademic barriers to 22175
learning, in accordance with guidelines developed by the 22176
department of education; 22177

(11) For start-up costs associated with school breakfast 22178
programs provided pursuant to section 3313.813 of the Revised 22179
Code. 22180

A school district may apply to the department, in the form 22181
and manner prescribed by the department, for a waiver to spend 22182
funds paid under this section for programs not described in 22183
divisions (J)(1) to (11) of this section. The waiver application 22184
shall specify the rationale for the alternative expenditure and 22185
the intended benefits for disadvantaged students. If the 22186
department grants the waiver, the district may use funds paid 22187
under this section to implement the alternative program. 22188

~~(K) Each district shall not expend any funds received under~~ 22189
~~division (E) of this section in any school buildings that are not~~ 22190
~~buildings with the highest concentration of need, unless there is~~ 22191
~~a ratio of instructional personnel to students of no more than~~ 22192
~~fifteen to one in each kindergarten and first grade class in all~~ 22193
~~buildings with the highest concentration of need. This division~~ 22194
~~does not require that the funds used in buildings with the highest~~ 22195
~~concentration of need be spent solely to reduce the ratio of~~ 22196
~~instructional personnel to students in kindergarten and first~~ 22197
~~grade. A school district may spend the funds in those buildings in~~ 22198
~~any manner permitted by division (J)(7) of this section, but may~~ 22199
~~not spend the money in other buildings unless the fifteen to one~~ 22200
~~ratio required by this division is attained. A payment for~~ 22201
assistance in closing the achievement gap, calculated as follows: 22202

(1) In fiscal year 2008 the department shall pay each school district that has both a poverty index that is greater than or equal to 1.0 and an academic distress index, as determined based on the most recent report card issued under section 3302.03 of the Revised Code, that is greater than or equal to 1.0, an amount calculated in accordance with the following formula:

$$\frac{\text{poverty index} \times \text{academic distress index}}{(0.0015 \times \text{formula amount}) \times \text{formula ADM}}$$

(2) In fiscal year 2009:

(a) If the district received a payment under division (K)(1) of this section for fiscal year 2008, and its academic distress percentage for fiscal year 2009, as determined based on the most recent report card issued under section 3302.03 of the Revised Code, is less than its academic distress percentage for fiscal year 2008, the department shall pay the district the product of its payment under division (K)(1) of this section for fiscal year 2008 times 1.035.

(b) If the district received a payment under division (K)(1) of this section for fiscal year 2008, and its academic distress percentage for fiscal year 2009, as determined based on the most recent report card issued under section 3302.03 of the Revised Code, is greater than or equal to its academic distress percentage for fiscal year 2008, the department shall pay the district the same amount as its payment under division (K)(1) of this section for fiscal year 2008.

(c) If the district did not receive a payment under division (K)(1) of this section for fiscal year 2008, and it has both a poverty index that is greater than or equal to 1.0 and an academic distress index, as determined based on the most recent report card issued under section 3302.03 of the Revised Code, that is greater than or equal to 1.0 for fiscal year 2009, the department shall pay the district an amount calculated in accordance with the

<u>following formula:</u>	22235
<u>poverty index X academic distress index X</u>	22236
<u>(0.0015 X formula amount) X formula ADM</u>	22237
(L)(1) By the first day of August of each fiscal year, each	22238
<u>This division applies only to funds paid under division (K)(2)(b)</u>	22239
<u>of this section.</u>	22240
<u>(1) If applicable, each school district shall use the funds</u>	22241
<u>for any necessary expenses for the continued operation of a school</u>	22242
<u>district academic distress commission appointed under section</u>	22243
<u>3302.10 of the Revised Code.</u>	22244
<u>(2) After satisfying the requirement of division (L)(1) of</u>	22245
<u>this section, each district shall spend the remaining funds only</u>	22246
<u>for one or more of the following purposes and only in buildings</u>	22247
<u>with the highest concentration of need:</u>	22248
<u>(a) Assistance in improving student performance;</u>	22249
<u>(b) Professional development for teachers and administrators;</u>	22250
<u>(c) Assistance in recruiting and retaining teachers and</u>	22251
<u>administrators.</u>	22252
<u>(M)(1) Each school district wishing to receive any funds</u>	22253
<u>under division (D) of this section shall submit to the department</u>	22254
<u>of education an estimate of its <u>the number of students attending</u></u>	22255
<u>all-day kindergarten percentage <u>when reporting formula ADM under</u></u>	22256
<u>section 3317.03 of the Revised Code. Each district shall update</u>	22257
<u>its estimate throughout the fiscal year in the form and manner</u>	22258
<u>required by the department, and the department shall adjust</u>	22259
<u>payments under this section to reflect the updates.</u>	22260
(2) Annually by the end of December, the department of	22261
<u>education, utilizing data from the information system established</u>	22262
<u>under section 3301.0714 of the Revised Code, shall determine for</u>	22263
<u>each school district subject to division (J) of this section</u>	22264

~~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.~~

~~(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 exist division to provide all-day kindergarten to at least the number of children in the district's all day kindergarten percentage. To satisfy this requirement, a district may use funds paid under division (C) or (I) of this section to provide all day kindergarten in addition to the all day kindergarten payment under division (D) of this section.~~

~~(2)(N) Except as permitted under division (M)(1) of this section, each school district with a poverty index less than 1.0 that receives a payment under division (C) of this section shall use its payment under that division in accordance with all requirements of division (J)(6) of this section.~~

~~(3) Except as permitted under division (M)(1) of this~~

~~section, each school district with a poverty index less than 1.0 22297
that receives a payment under division (I) of this section shall 22298
use its payment under that division for one or a combination of 22299
the following purposes: 22300~~

~~(a) To hire or contract for community liaison officers, 22301
attendance or truant officers, or safety and security personnel; 22302~~

~~(b) To implement programs designed to ensure that schools are 22303
free of drugs and violence and have a disciplined environment 22304
conducive to learning; 22305~~

~~(c) To implement academic intervention services described in 22306
division (J)(6) of this section. 22307~~

~~(4) Each school district to which division (M)(1), (2), or 22308
(3) of this section applies shall expend the remaining funds 22309
received under this section, and any other district with a poverty 22310
index less than 1.0 shall expend all funds received under this 22311
section, for any of the following purposes: 22312~~

~~(a) The purchase of technology for instructional purposes for 22313
remediation; 22314~~

~~(b) All day kindergarten; 22315~~

~~(c) Reduction of class sizes in grades kindergarten through 22316
three, as described in division (J)(7) of this section; 22317~~

~~(d) Summer school remediation; 22318~~

~~(e) Dropout prevention programs approved by the department of 22319
education under division (J)(4) of this section; 22320~~

~~(f) Guaranteeing that all third graders are ready to progress 22321
to more advanced work; 22322~~

~~(g) Summer education and work programs; 22323~~

~~(h) Adolescent pregnancy programs; 22324~~

~~(i) Head start, preschool, early childhood education, or 22325~~

early learning programs;	22326
(j) Reading improvement and remediation programs described by the department of education;	22327 22328
(k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	22329 22330 22331
(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;	22332 22333 22334 22335 22336 22337
(m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.	22338 22339
(N)(O) If at any time the superintendent of public instruction determines that a school district receiving funds under division (D) of this section has enrolled less <u>fewer</u> than the <u>number of</u> all-day kindergarten percentage <u>students</u> reported for that fiscal year, the superintendent shall withhold from the funds otherwise due the district under this section a proportional amount as determined by the difference in the certified all-day kindergarten percentage <u>ADM</u> and the percentage actually enrolled <u>in actual</u> all-day kindergarten <u>ADM</u>.	22340 22341 22342 22343 22344 22345 22346 22347 22348
The superintendent shall also withhold an appropriate amount of funds otherwise due a district for any other misuse of funds not in accordance with this section.	22349 22350 22351
(O)(P)(1) A district may use a portion of the funds calculated for it <u>paid</u> under division (D) of this section to modify or purchase classroom space to provide all-day kindergarten, if both of the following conditions are met:	22352 22353 22354 22355

(a) The district certifies to the department, in a manner acceptable to the department, that it has a shortage of space for providing all-day kindergarten.

(b) The district provides all-day kindergarten to the number of children in the all-day kindergarten percentage it certified under this section.

(2) A district may use a portion of the funds ~~described in division (J)(7) of~~ paid under this section to modify or purchase classroom space to enable it to further reduce class size in grades kindergarten through two with a goal of attaining class sizes of fifteen students per licensed teacher. To do so, the district must certify its need for additional space to the department, in a manner satisfactory to the department.

(O) Not later than the thirtieth day of September each year, each school district paid under this section shall report to the department, in the form and manner prescribed by the department, how the district deployed funds received under this section in the prior fiscal year. If a school district does not meet adequate progress standards as defined by the department, the department shall make recommendations to the district for deploying funds under this section in a more effective manner.

Sec. 3317.0216. (A) As used in this section:

(1) "Total taxes charged and payable for current expenses" means the sum of the taxes charged and payable as certified under division (A)(3)(a) of section 3317.021 of the Revised Code less any amounts reported under division (A)(3)(b) of that section, and the tax distribution for the preceding year under any school district income tax levied by the district pursuant to Chapter 5748. of the Revised Code to the extent the revenue from the income tax is allocated or apportioned to current expenses.

(2) "Charge-off amount" means two and three-tenths per cent multiplied by (the sum of recognized valuation and property exemption value). 22386
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(3) Until fiscal year 2003, the "actual local share of special education, transportation, and vocational education funding" for any school district means the sum of the district's attributed local shares described in divisions (F)(1) to (3) of section 3317.022 of the Revised Code. Beginning in fiscal year 2003, the "actual local share of special education, transportation, and vocational education funding" means that sum minus the amount of any excess cost supplement payment calculated for the district under division (F) of section 3317.022 of the Revised Code. 22389
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~~(4) "Current expense revenues from the tangible property tax replacement fund" means payments received from the school district tangible property tax replacement fund or the general revenue fund under section 5751.21 of the Revised Code for fixed rate levies for current expenses and for fixed sum levies for current expenses, including school district emergency levies under sections 5705.194 to 5705.197 of the Revised Code.~~ 22399
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(B) Upon receiving the certifications under section 3317.021 of the Revised Code, the department of education shall determine for each city, local, and exempted village school district whether the district's charge-off amount is greater than ~~the sum of the~~ district's total taxes charged and payable for current expenses ~~and current expense revenues from the tangible property tax replacement fund~~, and if the charge-off amount is greater, shall pay the district the amount of the difference. A payment shall not be made to any school district for which the computation under division (A) of section 3317.022 of the Revised Code equals zero. 22406
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(C)(1) If a district's charge-off amount is equal to or greater than ~~the sum of~~ its total taxes charged and payable for 22416
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current expenses and ~~current expense revenues from the tangible~~ 22418
~~property tax replacement fund~~, the department shall, in addition 22419
to the payment required under division (B) of this section, pay 22420
the district the amount of its actual local share of special 22421
education, transportation, and vocational education funding. 22422

(2) If a district's charge-off amount is less than ~~the sum of~~ 22423
its total taxes charged and payable for current expenses and 22424
~~current expense revenues from the tangible property tax~~ 22425
~~replacement fund~~, the department shall pay the district any amount 22426
by which its actual local share of special education, 22427
transportation, and vocational education funding exceeds ~~the sum~~ 22428
~~of~~ its total taxes charged and payable for current expenses and 22429
~~current expense revenues from the tangible property tax~~ 22430
~~replacement fund~~ minus its charge-off amount. 22431

(D) If a school district that received a payment under 22432
division (B) or (C) of this section in the prior fiscal year is 22433
ineligible for payment under those divisions in the current fiscal 22434
year, the department shall determine if the ineligibility is the 22435
result of a property tax or income tax levy approved by the 22436
district's voters to take effect in tax year 2005 or thereafter. 22437
If the department determines that is the case, and calculates that 22438
the levy causing the ineligibility exceeded by at least one mill 22439
the equivalent millage of the prior year's payment under divisions 22440
(B) and (C) of this section, the department shall make a payment 22441
to the district for the first three years that the district loses 22442
eligibility for payment under divisions (B) and (C) of this 22443
section, as follows: 22444

(1) In the first year of ineligibility, the department shall 22445
pay the district seventy-five per cent of the amount it last paid 22446
the district under divisions (B) and (C) of this section. 22447

(2) In the second year of ineligibility, the department shall 22448
pay the district fifty per cent of the amount it last paid the 22449

district under those divisions. 22450

(3) In the third year of ineligibility, the department shall 22451
pay the district twenty-five per cent of the amount it last paid 22452
the district under those divisions. 22453

(E) A district that receives payment under division (D) of 22454
this section and subsequently qualifies for payment under division 22455
(B) or (C) of this section is ineligible for future payments under 22456
division (D) of this section. 22457

(F) To enable the department of education to make the 22458
determinations and to calculate payments under division (D) of 22459
this section, on ~~the effective date of this amendment~~ March 30, 22460
2006, and on or before the first day of March of each year 22461
thereafter, the department shall send to the tax commissioner a 22462
list of school districts receiving payments under division (B) or 22463
(C) of this section for the current fiscal year. On or before the 22464
first day of the following June, the tax commissioner shall 22465
certify to the department of education for those school districts 22466
the information required by division (A)(8) of section 3317.021 of 22467
the Revised Code. 22468

Sec. 3317.0217. The Payment of the amount calculated for a 22469
school district under this section shall be made under division 22470
(A) of section 3317.022 of the Revised Code. 22471

The department of education shall annually compute ~~and pay~~ 22472
state parity aid to school districts, as follows: 22473

(A) Calculate the local wealth per pupil of each school 22474
district, which equals the following sum: 22475

(1) Two-thirds times the quotient of (a) the district's 22476
recognized valuation divided by (b) its formula ADM; plus 22477

(2) One-third times the quotient of (a) the average of the 22478
total federal adjusted gross income of the school district's 22479

residents for the three years most recently reported under section 22480
3317.021 of the Revised Code divided by (b) its formula ADM. 22481

(B) Rank all school districts in order of local wealth per 22482
pupil, from the district with the lowest local wealth per pupil to 22483
the district with the highest local wealth per pupil. 22484

(C) Compute the per pupil state parity aid funding for each 22485
eligible school district in accordance with the following formula: 22486

(threshold local wealth 22487
per pupil - the district's local 22488
wealth per pupil) X ~~0.0075~~ parity millage 22489

Where: 22490

~~(1) Seven and one half mills (0.0075) is an adjustment to the 22491
original parity aid standard of nine and one half mills, to 22492
account for the general assembly's policy decision to phase out 22493
use of the cost of doing business factor in the base cost formula 22494
In fiscal year 2008, an "eligible school district" means a school 22495
district with a local wealth per pupil less than that of the 22496
school district with the four-hundred-eleventh lowest local wealth 22497
per pupil. In fiscal year 2009, an "eligible school district" 22498
means a school district with a local wealth per pupil less than 22499
that of the school district with the three-hundred-sixty-eighth 22500
lowest local wealth per pupil. 22501~~

(2) The "threshold local wealth per pupil" is the local 22502
wealth per pupil of the school district with the 22503
four-hundred-ninetieth lowest local wealth per pupil. 22504

(3) "Parity millage," in fiscal year 2008, equals 0.0080 and, 22505
in fiscal year 2009, equals 0.0085. 22506

If the result of the calculation for a school district under 22507
division (C) of this section is less than zero, the district's per 22508
pupil parity aid shall be zero. 22509

(D) Compute the per pupil alternative parity aid for each school district that has a combination of an income factor of 1.0 or less, a poverty index of 1.0 or greater, and a fiscal year 2005 cost-of-doing-business factor of 1.0375 or greater, in accordance with the following formula:

$$\text{Payment percentage} \times \$60,000 \times (1 - \text{income factor}) \times 4/15 \times 0.023$$

Where:

(1) "Poverty index" has the same meaning as in section 3317.029 of the Revised Code.

(2) "Payment percentage," for purposes of division (D) of this section, equals 50% in fiscal year 2002 and 100% after fiscal year 2002.

(3) "Fiscal year 2005 cost-of-doing-business factor" means the cost-of-doing-business factor in effect for fiscal year 2005 designated under former division (N) of section 3317.02 of the Revised Code as that division existed in fiscal year 2005.

(E) Pay each district that has a combination of an income factor of 1.0 or less, a poverty index of 1.0 or greater, and a fiscal year 2005 cost-of-doing-business factor of 1.0375 or greater, the greater of the following:

(1) The product of the district's per pupil parity aid calculated under division (C) of this section times its net formula ADM;

(2) The product of its per pupil alternative parity aid calculated under division (D) of this section times its net formula ADM.

(F) Pay every other district the product of its per pupil parity aid calculated under division (C) of this section times its net formula ADM.

(G) As used in divisions (E) and (F) of this section, "net formula ADM" means formula ADM minus the number of internet- and computer-based community school students and scholarship students reported under divisions (B)(3)(e), (f), and (g) of section 3317.03 of the Revised Code.

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, except as provided in division (A)(2)(h) of this section, any student enrolled in kindergarten more than half time shall be reported as one-half student under this section.

(A) The superintendent of each city and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the formula ADM. ~~Beginning in fiscal year 2007, each superintendent also shall certify to the state board, for the schools under the superintendent's supervision, the formula ADM for the first full week in February.~~ If a school under the superintendent's supervision is closed for one or more days during that week due to hazardous weather conditions or other circumstances described in the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the formula ADM for that school for that week and specify an alternate week for certifying the formula ADM of that school.

The formula ADM shall consist of the average daily membership during such week of the sum of the following:

(1) On an FTE basis, the number of students in grades kindergarten through twelve receiving any educational services

from the district, except that the following categories of	22571
students shall not be included in the determination:	22572
(a) Students enrolled in adult education classes;	22573
(b) Adjacent or other district students enrolled in the	22574
district under an open enrollment policy pursuant to section	22575
3313.98 of the Revised Code;	22576
(c) Students receiving services in the district pursuant to a	22577
compact, cooperative education agreement, or a contract, but who	22578
are entitled to attend school in another district pursuant to	22579
section 3313.64 or 3313.65 of the Revised Code;	22580
(d) Students for whom tuition is payable pursuant to sections	22581
3317.081 and 3323.141 of the Revised Code;	22582
(e) Students receiving services in the district through a	22583
scholarship awarded under section 3310.41 of the Revised Code.	22584
(2) On an FTE basis, except as provided in division (A)(2)(h)	22585
of this section, the number of students entitled to attend school	22586
in the district pursuant to section 3313.64 or 3313.65 of the	22587
Revised Code, but receiving educational services in grades	22588
kindergarten through twelve from one or more of the following	22589
entities:	22590
(a) A community school pursuant to Chapter 3314. of the	22591
Revised Code, including any participation in a college pursuant to	22592
Chapter 3365. of the Revised Code while enrolled in such community	22593
school;	22594
(b) An alternative school pursuant to sections 3313.974 to	22595
3313.979 of the Revised Code as described in division (I)(2)(a) or	22596
(b) of this section;	22597
(c) A college pursuant to Chapter 3365. of the Revised Code,	22598
except when the student is enrolled in the college while also	22599
enrolled in a community school pursuant to Chapter 3314. of the	22600

Revised Code;	22601
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	22602 22603 22604
(e) An educational service center or cooperative education district;	22605 22606
(f) Another school district under a cooperative education agreement, compact, or contract;	22607 22608
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	22609 22610
(h) An alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code. Each such scholarship student who is enrolled in kindergarten shall be counted as one full-time-equivalent student.	22611 22612 22613 22614
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 of the Revised Code.	22615 22616 22617
(3) Twenty per cent of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;	22618 22619 22620 22621 22622 22623 22624 22625
(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed by the district with a county MR/DD board, minus the number of such children placed with a county MR/DD board	22626 22627 22628 22629 22630

in fiscal year 1998. If this calculation produces a negative 22631
number, the number reported under division (A)(4) of this section 22632
shall be zero. 22633

~~(5) Beginning in fiscal year 2007, in the case of the report 22634
submitted for the first full week in February, or the alternative 22635
week if specified by the superintendent of public instruction, the 22636
number of students reported under division (A)(1) or (2) of this 22637
section for the first full week of the preceding October but who 22638
since that week have received high school diplomas. 22639~~

(B) To enable the department of education to obtain the data 22640
needed to complete the calculation of payments pursuant to this 22641
chapter, in addition to the formula ADM, each superintendent shall 22642
report separately the following student counts for the same week 22643
for which formula ADM is certified: 22644

(1) The total average daily membership in regular day classes 22645
included in the report under division (A)(1) or (2) of this 22646
section for kindergarten, and each of grades one through twelve in 22647
schools under the superintendent's supervision; 22648

(2) The number of all handicapped preschool children enrolled 22649
as of the first day of December in classes in the district that 22650
are eligible for approval under division (B) of section 3317.05 of 22651
the Revised Code and the number of those classes, which shall be 22652
reported not later than the fifteenth day of December, in 22653
accordance with rules adopted under that section; 22654

(3) The number of children entitled to attend school in the 22655
district pursuant to section 3313.64 or 3313.65 of the Revised 22656
Code who are: 22657

(a) Participating in a pilot project scholarship program 22658
established under sections 3313.974 to 3313.979 of the Revised 22659
Code as described in division (I)(2)(a) or (b) of this section; 22660

(b) Enrolled in a college under Chapter 3365. of the Revised 22661

Code, except when the student is enrolled in the college while 22662
also enrolled in a community school pursuant to Chapter 3314. of 22663
the Revised Code; 22664

(c) Enrolled in an adjacent or other school district under 22665
section 3313.98 of the Revised Code; 22666

(d) Enrolled in a community school established under Chapter 22667
3314. of the Revised Code that is not an internet- or 22668
computer-based community school as defined in section 3314.02 of 22669
the Revised Code, including any participation in a college 22670
pursuant to Chapter 3365. of the Revised Code while enrolled in 22671
such community school; 22672

(e) Enrolled in an internet- or computer-based community 22673
school, as defined in section 3314.02 of the Revised Code, 22674
including any participation in a college pursuant to Chapter 3365. 22675
of the Revised Code while enrolled in the school; 22676

(f) Enrolled in a chartered nonpublic school with a 22677
scholarship paid under section 3310.08 of the Revised Code; 22678

(g) Enrolled in kindergarten through grade twelve in an 22679
alternative public provider or a registered private provider with 22680
a scholarship awarded under section 3310.41 of the Revised Code; 22681

(h) Enrolled as a handicapped preschool child in an 22682
alternative public provider or a registered private provider with 22683
a scholarship awarded under section 3310.41 of the Revised Code; 22684

(i) Participating in a program operated by a county MR/DD 22685
board or a state institution. 22686

(4) The number of pupils enrolled in joint vocational 22687
schools; 22688

(5) The average daily membership of handicapped children 22689
reported under division (A)(1) or (2) of this section receiving 22690
special education services for the category one handicap described 22691

in division (A) of section 3317.013 of the Revised Code; 22692

(6) The average daily membership of handicapped children 22693
reported under division (A)(1) or (2) of this section receiving 22694
special education services for category two handicaps described in 22695
division (B) of section 3317.013 of the Revised Code; 22696

(7) The average daily membership of handicapped children 22697
reported under division (A)(1) or (2) of this section receiving 22698
special education services for category three handicaps described 22699
in division (C) of section 3317.013 of the Revised Code; 22700

(8) The average daily membership of handicapped children 22701
reported under division (A)(1) or (2) of this section receiving 22702
special education services for category four handicaps described 22703
in division (D) of section 3317.013 of the Revised Code; 22704

(9) The average daily membership of handicapped children 22705
reported under division (A)(1) or (2) of this section receiving 22706
special education services for the category five handicap 22707
described in division (E) of section 3317.013 of the Revised Code; 22708

(10) The combined average daily membership of handicapped 22709
children reported under division (A)(1) or (2) and under division 22710
(B)(3)(h) of this section receiving special education services for 22711
category six handicaps described in division (F) of section 22712
3317.013 of the Revised Code, including children attending a 22713
special education program operated by an alternative public 22714
provider or a registered private provider with a scholarship 22715
awarded under section 3310.41 of the Revised Code; 22716

(11) The average daily membership of pupils reported under 22717
division (A)(1) or (2) of this section enrolled in category one 22718
vocational education programs or classes, described in division 22719
(A) of section 3317.014 of the Revised Code, operated by the 22720
school district or by another district, other than a joint 22721
vocational school district, or by an educational service center, 22722

excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(12) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district, other than a joint vocational school district, or by an educational service center, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(13) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;

(14)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998;

(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;

(c) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code;

(d) The number of handicapped children, other than 22754
handicapped preschool children, placed with a county MR/DD board 22755
in the current fiscal year to receive special education services 22756
for category three handicaps described in division (C) of section 22757
3317.013 of the Revised Code; 22758

(e) The number of handicapped children, other than 22759
handicapped preschool children, placed with a county MR/DD board 22760
in the current fiscal year to receive special education services 22761
for category four handicaps described in division (D) of section 22762
3317.013 of the Revised Code; 22763

(f) The number of handicapped children, other than 22764
handicapped preschool children, placed with a county MR/DD board 22765
in the current fiscal year to receive special education services 22766
for the category five handicap described in division (E) of 22767
section 3317.013 of the Revised Code; 22768

(g) The number of handicapped children, other than 22769
handicapped preschool children, placed with a county MR/DD board 22770
in the current fiscal year to receive special education services 22771
for category six handicaps described in division (F) of section 22772
3317.013 of the Revised Code. 22773

(C)(1) Except as otherwise provided in this section for 22774
kindergarten students, the average daily membership in divisions 22775
(B)(1) to (12) of this section shall be based upon the number of 22776
full-time equivalent students. The state board of education shall 22777
adopt rules defining full-time equivalent students and for 22778
determining the average daily membership therefrom for the 22779
purposes of divisions (A), (B), and (D) of this section. 22780

(2) A student enrolled in a community school established 22781
under Chapter 3314. of the Revised Code shall be counted in the 22782
formula ADM and, if applicable, the category one, two, three, 22783
four, five, or six special education ADM of the school district in 22784

which the student is entitled to attend school under section 22785
3313.64 or 3313.65 of the Revised Code for the same proportion of 22786
the school year that the student is counted in the enrollment of 22787
the community school for purposes of section 3314.08 of the 22788
Revised Code. Notwithstanding the number of students reported 22789
pursuant to division (B)(3)(d) or (e) of this section, the 22790
department may adjust the formula ADM of a school district to 22791
account for students entitled to attend school in the district 22792
under section 3313.64 or 3313.65 of the Revised Code who are 22793
enrolled in a community school for only a portion of the school 22794
year. 22795

(3) No child shall be counted as more than a total of one 22796
child in the sum of the average daily memberships of a school 22797
district under division (A), divisions (B)(1) to (12), or division 22798
(D) of this section, except as follows: 22799

(a) A child with a handicap described in section 3317.013 of 22800
the Revised Code may be counted both in formula ADM and in 22801
category one, two, three, four, five, or six special education ADM 22802
and, if applicable, in category one or two vocational education 22803
ADM. As provided in division (C) of section 3317.02 of the Revised 22804
Code, such a child shall be counted in category one, two, three, 22805
four, five, or six special education ADM in the same proportion 22806
that the child is counted in formula ADM. 22807

(b) A child enrolled in vocational education programs or 22808
classes described in section 3317.014 of the Revised Code may be 22809
counted both in formula ADM and category one or two vocational 22810
education ADM and, if applicable, in category one, two, three, 22811
four, five, or six special education ADM. Such a child shall be 22812
counted in category one or two vocational education ADM in the 22813
same proportion as the percentage of time that the child spends in 22814
the vocational education programs or classes. 22815

(4) Based on the information reported under this section, the 22816

department of education shall determine the total student count, 22817
as defined in section 3301.011 of the Revised Code, for each 22818
school district. 22819

(D)(1) The superintendent of each joint vocational school 22820
district shall certify to the superintendent of public instruction 22821
on or before the fifteenth day of October in each year for the 22822
first full school week in October the formula ADM. ~~Beginning in~~ 22823
~~fiscal year 2007, each superintendent also shall certify to the~~ 22824
~~state superintendent the formula ADM for the first full week in~~ 22825
~~February.~~ If a school operated by the joint vocational school 22826
district is closed for one or more days during that week due to 22827
hazardous weather conditions or other circumstances described in 22828
the first paragraph of division (B) of section 3317.01 of the 22829
Revised Code, the superintendent may apply to the superintendent 22830
of public instruction for a waiver, under which the superintendent 22831
of public instruction may exempt the district superintendent from 22832
certifying the formula ADM for that school for that week and 22833
specify an alternate week for certifying the formula ADM of that 22834
school. 22835

The formula ADM, except as otherwise provided in this 22836
division, shall consist of the average daily membership during 22837
such week, on an FTE basis, of the number of students receiving 22838
any educational services from the district, including students 22839
enrolled in a community school established under Chapter 3314. of 22840
the Revised Code who are attending the joint vocational district 22841
under an agreement between the district board of education and the 22842
governing authority of the community school and are entitled to 22843
attend school in a city, local, or exempted village school 22844
district whose territory is part of the territory of the joint 22845
vocational district. ~~Beginning in fiscal year 2007, in the case of~~ 22846
~~the report submitted for the first week in February, or the~~ 22847
~~alternative week if specified by the superintendent of public~~ 22848

~~instruction, the superintendent of the joint vocational school 22849
district may include the number of students reported under 22850
division (D)(1) of this section for the first full week of the 22851
preceding October but who since that week have received high 22852
school diplomas. 22853~~

The following categories of students shall not be included in 22854
the determination made under division (D)(1) of this section: 22855

(a) Students enrolled in adult education classes; 22856

(b) Adjacent or other district joint vocational students 22857
enrolled in the district under an open enrollment policy pursuant 22858
to section 3313.98 of the Revised Code; 22859

(c) Students receiving services in the district pursuant to a 22860
compact, cooperative education agreement, or a contract, but who 22861
are entitled to attend school in a city, local, or exempted 22862
village school district whose territory is not part of the 22863
territory of the joint vocational district; 22864

(d) Students for whom tuition is payable pursuant to sections 22865
3317.081 and 3323.141 of the Revised Code. 22866

(2) To enable the department of education to obtain the data 22867
needed to complete the calculation of payments pursuant to this 22868
chapter, in addition to the formula ADM, each superintendent shall 22869
report separately the average daily membership included in the 22870
report under division (D)(1) of this section for each of the 22871
following categories of students for the same week for which 22872
formula ADM is certified: 22873

(a) Students enrolled in each grade included in the joint 22874
vocational district schools; 22875

(b) Handicapped children receiving special education services 22876
for the category one handicap described in division (A) of section 22877
3317.013 of the Revised Code; 22878

(c) Handicapped children receiving special education services	22879
for the category two handicaps described in division (B) of	22880
section 3317.013 of the Revised Code;	22881
(d) Handicapped children receiving special education services	22882
for category three handicaps described in division (C) of section	22883
3317.013 of the Revised Code;	22884
(e) Handicapped children receiving special education services	22885
for category four handicaps described in division (D) of section	22886
3317.013 of the Revised Code;	22887
(f) Handicapped children receiving special education services	22888
for the category five handicap described in division (E) of	22889
section 3317.013 of the Revised Code;	22890
(g) Handicapped children receiving special education services	22891
for category six handicaps described in division (F) of section	22892
3317.013 of the Revised Code;	22893
(h) Students receiving category one vocational education	22894
services, described in division (A) of section 3317.014 of the	22895
Revised Code;	22896
(i) Students receiving category two vocational education	22897
services, described in division (B) of section 3317.014 of the	22898
Revised Code.	22899
The superintendent of each joint vocational school district	22900
shall also indicate the city, local, or exempted village school	22901
district in which each joint vocational district pupil is entitled	22902
to attend school pursuant to section 3313.64 or 3313.65 of the	22903
Revised Code.	22904
(E) In each school of each city, local, exempted village,	22905
joint vocational, and cooperative education school district there	22906
shall be maintained a record of school membership, which record	22907
shall accurately show, for each day the school is in session, the	22908

actual membership enrolled in regular day classes. For the purpose 22909
of determining average daily membership, the membership figure of 22910
any school shall not include any pupils except those pupils 22911
described by division (A) of this section. The record of 22912
membership for each school shall be maintained in such manner that 22913
no pupil shall be counted as in membership prior to the actual 22914
date of entry in the school and also in such manner that where for 22915
any cause a pupil permanently withdraws from the school that pupil 22916
shall not be counted as in membership from and after the date of 22917
such withdrawal. There shall not be included in the membership of 22918
any school any of the following: 22919

(1) Any pupil who has graduated from the twelfth grade of a 22920
public or nonpublic high school; 22921

(2) Any pupil who is not a resident of the state; 22922

(3) Any pupil who was enrolled in the schools of the district 22923
during the previous school year when tests were administered under 22924
section 3301.0711 of the Revised Code but did not take one or more 22925
of the tests required by that section and was not excused pursuant 22926
to division (C)(1) or (3) of that section; 22927

(4) Any pupil who has attained the age of twenty-two years, 22928
except for veterans of the armed services whose attendance was 22929
interrupted before completing the recognized twelve-year course of 22930
the public schools by reason of induction or enlistment in the 22931
armed forces and who apply for reenrollment in the public school 22932
system of their residence not later than four years after 22933
termination of war or their honorable discharge. 22934

If, however, any veteran described by division (E)(4) of this 22935
section elects to enroll in special courses organized for veterans 22936
for whom tuition is paid under the provisions of federal laws, or 22937
otherwise, that veteran shall not be included in average daily 22938
membership. 22939

Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take a test required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the test to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

Except as provided in divisions (B)(2) and (F) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance is actually open for instruction during the week for which the formula ADM is being certified by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized reasons, and those handicapped children currently receiving home instruction.

The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth

day of February. For the balance of the fiscal year, beginning 22972
with the February payments, the superintendent of public 22973
instruction shall use the increased formula ADM in calculating or 22974
recalculating the amounts to be allocated in accordance with 22975
section 3317.022 or 3317.16 of the Revised Code. In no event shall 22976
the superintendent use an increased membership certified to the 22977
superintendent after the fifteenth day of February. ~~Division~~ 22978
~~(F)(1) of this section does not apply after fiscal year 2006.~~ 22979

(2) If on the first school day of April the total number of 22980
classes or units for handicapped preschool children that are 22981
eligible for approval under division (B) of section 3317.05 of the 22982
Revised Code exceeds the number of units that have been approved 22983
for the year under that division, the superintendent of schools of 22984
any city, exempted village, or cooperative education school 22985
district or educational service center shall make the 22986
certifications required by this section for that day. If the 22987
department determines additional units can be approved for the 22988
fiscal year within any limitations set forth in the acts 22989
appropriating moneys for the funding of such units, the department 22990
shall approve additional units for the fiscal year on the basis of 22991
such average daily membership. For each unit so approved, the 22992
department shall pay an amount computed in the manner prescribed 22993
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 22994
Code. 22995

(3) If a student attending a community school under Chapter 22996
3314. of the Revised Code is not included in the formula ADM 22997
certified for the school district in which the student is entitled 22998
to attend school under section 3313.64 or 3313.65 of the Revised 22999
Code, the department of education shall adjust the formula ADM of 23000
that school district to include the community school student in 23001
accordance with division (C)(2) of this section, and shall 23002
recalculate the school district's payments under this chapter for 23003

the entire fiscal year on the basis of that adjusted formula ADM. 23004
This requirement applies regardless of whether the student was 23005
enrolled, as defined in division (E) of this section, in the 23006
community school during the week for which the formula ADM is 23007
being certified. 23008

(4) If a student awarded an educational choice scholarship is 23009
not included in the formula ADM of the school district from which 23010
the department deducts funds for the scholarship under section 23011
3310.08 of the Revised Code, the department shall adjust the 23012
formula ADM of that school district to include the student to the 23013
extent necessary to account for the deduction, and shall 23014
recalculate the school district's payments under this chapter for 23015
the entire fiscal year on the basis of that adjusted formula ADM. 23016
This requirement applies regardless of whether the student was 23017
enrolled, as defined in division (E) of this section, in the 23018
chartered nonpublic school, the school district, or a community 23019
school during the week for which the formula ADM is being 23020
certified. 23021

(G)(1)~~(a)~~ The superintendent of an institution operating a 23022
special education program pursuant to section 3323.091 of the 23023
Revised Code shall, for the programs under such superintendent's 23024
supervision, certify to the state board of education, in the 23025
manner prescribed by the superintendent of public instruction, 23026
both of the following: 23027

~~(i)~~(a) The average daily membership of all handicapped 23028
children other than handicapped preschool children receiving 23029
services at the institution for each category of handicap 23030
described in divisions (A) to (F) of section 3317.013 of the 23031
Revised Code; 23032

~~(ii)~~(b) The average daily membership of all handicapped 23033
preschool children in classes or programs approved annually by the 23034
department of education for unit funding under section 3317.05 of 23035

the Revised Code. 23036

~~(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.~~ 23037
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(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following: 23043
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(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes; 23047
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(b) Certify to the state board, in the manner prescribed by the board, the number of all handicapped preschool children enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes. 23051
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(3)(a) If on the first school day of April the number of classes or units maintained for handicapped preschool children by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day. 23056
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(b) If the department determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (G)(3)(a) of this section, 23063
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the department shall approve and fund additional units for the 23067
fiscal year on the basis of such average daily membership. For 23068
each unit so approved, the department shall pay an amount computed 23069
in the manner prescribed in sections 3317.052 and 3317.053 of the 23070
Revised Code. 23071

(H) Except as provided in division (I) of this section, when 23072
any city, local, or exempted village school district provides 23073
instruction for a nonresident pupil whose attendance is 23074
unauthorized attendance as defined in section 3327.06 of the 23075
Revised Code, that pupil's membership shall not be included in 23076
that district's membership figure used in the calculation of that 23077
district's formula ADM or included in the determination of any 23078
unit approved for the district under section 3317.05 of the 23079
Revised Code. The reporting official shall report separately the 23080
average daily membership of all pupils whose attendance in the 23081
district is unauthorized attendance, and the membership of each 23082
such pupil shall be credited to the school district in which the 23083
pupil is entitled to attend school under division (B) of section 23084
3313.64 or section 3313.65 of the Revised Code as determined by 23085
the department of education. 23086

(I)(1) A city, local, exempted village, or joint vocational 23087
school district admitting a scholarship student of a pilot project 23088
district pursuant to division (C) of section 3313.976 of the 23089
Revised Code may count such student in its average daily 23090
membership. 23091

(2) In any year for which funds are appropriated for pilot 23092
project scholarship programs, a school district implementing a 23093
state-sponsored pilot project scholarship program that year 23094
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 23095
count in average daily membership: 23096

(a) All children residing in the district and utilizing a 23097
scholarship to attend kindergarten in any alternative school, as 23098

defined in section 3313.974 of the Revised Code; 23099

(b) All children who were enrolled in the district in the 23100
preceding year who are utilizing a scholarship to attend any such 23101
alternative school. 23102

(J) The superintendent of each cooperative education school 23103
district shall certify to the superintendent of public 23104
instruction, in a manner prescribed by the state board of 23105
education, the applicable average daily memberships for all 23106
students in the cooperative education district, also indicating 23107
the city, local, or exempted village district where each pupil is 23108
entitled to attend school under section 3313.64 or 3313.65 of the 23109
Revised Code. 23110

(K) If the superintendent of public instruction determines 23111
that a component of the formula ADM certified or reported by a 23112
district superintendent, or other reporting entity, is not 23113
correct, the superintendent of public instruction may order that 23114
the formula ADM used for the purposes of payments under any 23115
section of Title XXXIII of the Revised Code be adjusted in the 23116
amount of the error. 23117

Sec. 3317.04. The amount paid to school districts in each 23118
fiscal year under Chapter 3317. of the Revised Code shall not be 23119
less than the following: 23120

(A) In the case of a district created under section 3311.26 23121
or 3311.37 of the Revised Code, the amount paid shall not be less, 23122
in any of the three succeeding fiscal years following the 23123
creation, than the sum of the amounts allocated under Chapter 23124
3317. of the Revised Code to the districts separately in the year 23125
of the creation. 23126

(B) In the case of a school district which is transferred to 23127
another school district or districts, pursuant to section 3311.22, 23128

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 23161
the county, or the tax duplicate of any such county was increased 23162
by the application of a uniform taxable value per cent of true 23163
value pursuant to a rule or order of the tax commissioner and the 23164
revised valuations were entered on the tax list and duplicate. 23165
Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 23166
3311.38 of the Revised Code, this minimum guarantee is applicable 23167
only during the fiscal year immediately following the reassessment 23168
or application. 23169~~

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 23170
and 3311.38 of the Revised Code, the minimum guarantees prescribed 23171
by divisions (A) and (B) of this section shall not affect the 23172
amount of aid received by a school district for more than three 23173
consecutive years. 23174

Sec. 3317.05. (A) ~~For~~ The department of education shall 23175
assign units under this division until July 1, 2007. 23176

For the purpose of calculating payments under sections 23177
3317.052 and 3317.053 of the Revised Code, the department of 23178
education shall determine for each institution, by the last day of 23179
January of each year and based on information certified under 23180
section 3317.03 of the Revised Code, the number of vocational 23181
education units or fractions of units approved by the department 23182
on the basis of standards and rules adopted by the state board of 23183
education. As used in this division, "institution" means an 23184
institution operated by a department specified in section 3323.091 23185
of the Revised Code and that provides vocational education 23186
programs under the supervision of the division of vocational 23187
education of the department that meet the standards and rules for 23188
these programs, including licensure of professional staff involved 23189
in the programs, as established by the state board. 23190

(B) For the purpose of calculating payments under sections 23191

3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 23192
department shall determine, based on information certified under 23193
section 3317.03 of the Revised Code, the following by the last day 23194
of January of each year for each educational service center, for 23195
each school district, including each cooperative education school 23196
district, for each institution eligible for payment under section 23197
3323.091 of the Revised Code, and for each county MR/DD board: the 23198
number of classes operated by the school district, service center, 23199
institution, or county MR/DD board for handicapped preschool 23200
children, or fraction thereof, including in the case of a district 23201
or service center that is a funding agent, classes taught by a 23202
licensed teacher employed by that district or service center under 23203
section 3313.841 of the Revised Code, approved annually by the 23204
department on the basis of standards and rules adopted by the 23205
state board. 23206

(C) For the purpose of calculating payments under sections 23207
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 23208
department shall determine, based on information certified under 23209
section 3317.03 of the Revised Code, the following by the last day 23210
of January of each year for each school district, including each 23211
cooperative education school district, for each institution 23212
eligible for payment under section 3323.091 of the Revised Code, 23213
and for each county MR/DD board: the number of preschool 23214
handicapped units for related services, as defined in section 23215
3323.01 of the Revised Code, approved annually by the department 23216
on the basis of standards and rules adopted by the state board. 23217

(D) All of the arithmetical calculations made under this 23218
section shall be carried to the second decimal place. The total 23219
number of units for school districts, service centers, and 23220
institutions approved annually under this section shall not exceed 23221
the number of units included in the estimate of cost for these 23222
units and appropriations made for them by the general assembly. 23223

In the case of handicapped preschool units described in 23224
division (B) of this section, the department shall approve only 23225
preschool units for children who are under age six on the 23226
thirtieth day of September of the academic year, or on the first 23227
day of August of the academic year if the school district in which 23228
the child is enrolled has adopted a resolution under division 23229
(A)(3) of section 3321.01 of the Revised Code, but not less than 23230
age three on the first day of December of the academic year, 23231
except that such a unit may include one or more children who are 23232
under age three or are age six or over on the applicable date, as 23233
reported under division (B)(2) or (G)(2)(b) of section 3317.03 of 23234
the Revised Code, if such children have been admitted to the unit 23235
pursuant to rules of the state board. The number of units for 23236
county MR/DD boards and institutions eligible for payment under 23237
section 3323.091 of the Revised Code approved under this section 23238
shall not exceed the number that can be funded with appropriations 23239
made for such purposes by the general assembly. 23240

No unit shall be approved under divisions (B) and (C) of this 23241
section unless a plan has been submitted and approved under 23242
Chapter 3323. of the Revised Code. 23243

(E) The department shall approve units or fractions thereof 23244
for gifted children on the basis of standards and rules adopted by 23245
the state board. 23246

Sec. 3317.052. As used in this section, "institution" means 23247
an institution operated by a department specified in division (A) 23248
of section 3323.091 of the Revised Code. 23249

(A)(1) The department of education shall pay each school 23250
district, educational service center, institution eligible for 23251
payment under section 3323.091 of the Revised Code, or county 23252
MR/DD board an amount for the total of all classroom units for 23253
handicapped preschool children approved under division (B) of 23254

section 3317.05 of the Revised Code. For each unit, the amount 23255
shall be the sum of the minimum salary for the teacher of the 23256
unit, calculated on the basis of the teacher's training level and 23257
years of experience pursuant to the salary schedule prescribed in 23258
the version of section 3317.13 of the Revised Code in effect prior 23259
to July 1, 2001, plus fifteen per cent of that minimum salary 23260
amount, and eight thousand twenty-three dollars. 23261

(2) The department shall pay each school district, 23262
educational service center, institution eligible for payment under 23263
section 3323.091 of the Revised Code, or county MR/DD board an 23264
amount for the total of all related services units for handicapped 23265
preschool children approved under division (C) of section 3317.05 23266
of the Revised Code. For each such unit, the amount shall be the 23267
sum of the minimum salary for the teacher of the unit calculated 23268
on the basis of the teacher's training level and years of 23269
experience pursuant to the salary schedule prescribed in the 23270
version of section 3317.13 of the Revised Code in effect prior to 23271
July 1, 2001, fifteen per cent of that minimum salary amount, and 23272
two thousand one hundred thirty-two dollars. 23273

(B) If a school district, educational service center, or 23274
county MR/DD board has had additional handicapped preschool units 23275
approved for the year under division (F)(2) or (G)(3) of section 23276
3317.03 of the Revised Code, the district, educational service 23277
center, or board shall receive an additional amount during the 23278
last half of the fiscal year. For each district, center, or board, 23279
the additional amount for each unit shall equal fifty per cent of 23280
the amounts computed for the unit in the manner prescribed by 23281
division (A) of this section and division (C) of section 3317.053 23282
of the Revised Code. 23283

(C) The department ~~shall~~ may pay each institution approved 23284
for vocational education ~~units under division (A) of section~~ 23285
~~3317.05 of the Revised Code an amount for the total of all the~~ 23286

~~units approved under that division. The amount for each unit shall~~ 23287
~~be the sum of the minimum salary for the teacher of the unit,~~ 23288
~~calculated on the basis of the teacher's training level and years~~ 23289
~~of experience pursuant to the salary schedule prescribed in the~~ 23290
~~version of section 3317.13 of the Revised Code in effect prior to~~ 23291
~~July 1, 2001, plus fifteen per cent of that minimum salary amount,~~ 23292
~~and nine thousand five hundred ten dollars~~ a grant amount based on 23293
the institution's submission of a comprehensive plan for a program 23294
to provide vocational education services. Each institution that 23295
receives ~~units funds~~ a grant under this division annually shall 23296
report to the department on the delivery of services and the 23297
performance of students and any other information required by the 23298
department to evaluate the institution's vocational education 23299
program. 23300

Sec. 3317.06. Moneys paid to school districts under division 23301
(I) of section 3317.024 of the Revised Code shall be used for the 23302
following independent and fully severable purposes: 23303

(A) To purchase such secular textbooks or electronic 23304
textbooks as have been approved by the superintendent of public 23305
instruction for use in public schools in the state and to loan 23306
such textbooks or electronic textbooks to pupils attending 23307
nonpublic schools within the district or to their parents and to 23308
hire clerical personnel to administer such lending program. Such 23309
loans shall be based upon individual requests submitted by such 23310
nonpublic school pupils or parents. Such requests shall be 23311
submitted to the school district in which the nonpublic school is 23312
located. Such individual requests for the loan of textbooks or 23313
electronic textbooks shall, for administrative convenience, be 23314
submitted by the nonpublic school pupil or the pupil's parent to 23315
the nonpublic school, which shall prepare and submit collective 23316
summaries of the individual requests to the school district. As 23317
used in this section: 23318

(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the pupil regularly attends.

(2) "Electronic textbook" means computer software, interactive videodisc, magnetic media, CD-ROM, computer courseware, local and remote computer assisted instruction, on-line service, electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means.

(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district. Such service shall be provided in the nonpublic school attended by the pupil receiving the service.

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and 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, and social work

services to pupils attending nonpublic schools within the 23350
district. Such services shall be provided in the public school, in 23351
nonpublic schools, in public centers, or in mobile units located 23352
on or off of the nonpublic premises. If such services are provided 23353
in the public school or in public centers, transportation to and 23354
from such facilities shall be provided by the school district in 23355
which the nonpublic school is located. 23356

(G) To provide remedial services to pupils attending 23357
nonpublic schools within the district. Such services shall be 23358
provided in the public school, in nonpublic schools, in public 23359
centers, or in mobile units located on or off of the nonpublic 23360
premises. If such services are provided in the public school or in 23361
public centers, transportation to and from such facilities shall 23362
be provided by the school district in which the nonpublic school 23363
is located. 23364

(H) To supply for use by pupils attending nonpublic schools 23365
within the district such standardized tests and scoring services 23366
as are in use in the public schools of the state; 23367

(I) To provide programs for children who attend nonpublic 23368
schools within the district and are handicapped children as 23369
defined in division (A) of section 3323.01 of the Revised Code or 23370
gifted children. Such programs shall be provided in the public 23371
school, in nonpublic schools, in public centers, or in mobile 23372
units located on or off of the nonpublic premises. If such 23373
programs are provided in the public school or in public centers, 23374
transportation to and from such facilities shall be provided by 23375
the school district in which the nonpublic school is located. 23376

(J) To hire clerical personnel to assist in the 23377
administration of programs pursuant to divisions (B), (C), (D), 23378
(E), (F), (G), and (I) of this section and to hire supervisory 23379
personnel to supervise the providing of services and textbooks 23380
pursuant to this section. 23381

(K) To purchase or lease any secular, neutral, and 23382
nonideological computer software (including site-licensing), 23383
prerecorded video laserdiscs, digital video on demand (DVD), 23384
compact discs, and video cassette cartridges, wide area 23385
connectivity and related technology as it relates to internet 23386
access, mathematics or science equipment and materials, 23387
instructional materials, and school library materials that are in 23388
general use in the public schools of the state and loan such items 23389
to pupils attending nonpublic schools within the district or to 23390
their parents, and to hire clerical personnel to administer the 23391
lending program. Only such items that are incapable of diversion 23392
to religious use and that are susceptible of loan to individual 23393
pupils and are furnished for the use of individual pupils shall be 23394
purchased and loaned under this division. As used in this section, 23395
"instructional materials" means prepared learning materials that 23396
are secular, neutral, and nonideological in character and are of 23397
benefit to the instruction of school children, and may include 23398
educational resources and services developed by the eTech Ohio 23399
commission. 23400

(L) To purchase or lease instructional equipment, including 23401
computer hardware and related equipment in general use in the 23402
public schools of the state, for use by pupils attending nonpublic 23403
schools within the district and to loan such items to pupils 23404
attending nonpublic schools within the district or to their 23405
parents, and to hire clerical personnel to administer the lending 23406
program. 23407

(M) To purchase mobile units to be used for the provision of 23408
services pursuant to divisions (E), (F), (G), and (I) of this 23409
section and to pay for necessary repairs and operating costs 23410
associated with these units. 23411

(N) To reimburse costs the district incurred to store the 23412
records of a chartered nonpublic school that closes. 23413

Reimbursements under this division shall be made one time only for 23414
each chartered nonpublic school that closes. 23415

Clerical and supervisory personnel hired pursuant to division 23416
(J) of this section shall perform their services in the public 23417
schools, in nonpublic schools, public centers, or mobile units 23418
where the services are provided to the nonpublic school pupil, 23419
except that such personnel may accompany pupils to and from the 23420
service sites when necessary to ensure the safety of the children 23421
receiving the services. 23422

All services provided pursuant to this section may be 23423
provided under contract with educational service centers, the 23424
department of health, city or general health districts, or private 23425
agencies whose personnel are properly licensed by an appropriate 23426
state board or agency. 23427

Transportation of pupils provided pursuant to divisions (E), 23428
(F), (G), and (I) of this section shall be provided by the school 23429
district from its general funds and not from moneys paid to it 23430
under division (I) of section 3317.024 of the Revised Code unless 23431
a special transportation request is submitted by the parent of the 23432
child receiving service pursuant to such divisions. If such an 23433
application is presented to the school district, it may pay for 23434
the transportation from moneys paid to it under division (I) of 23435
section 3317.024 of the Revised Code. 23436

No school district shall provide health or remedial services 23437
to nonpublic school pupils as authorized by this section unless 23438
such services are available to pupils attending the public schools 23439
within the district. 23440

Materials, equipment, computer hardware or software, 23441
textbooks, electronic textbooks, and health and remedial services 23442
provided for the benefit of nonpublic school pupils pursuant to 23443
this section and the admission of pupils to such nonpublic schools 23444

shall be provided without distinction as to race, creed, color, or national origin of such pupils or of their teachers. 23445
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No school district shall provide services, materials, or equipment that contain religious content for use in religious courses, devotional exercises, religious training, or any other religious activity. 23447
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As used in this section, "parent" includes a person standing in loco parentis to a child. 23451
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Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted village school district within which is located one or more nonpublic elementary or high schools and any payments made to school districts under division (I) of section 3317.024 of the Revised Code for purposes of this section may be disbursed without submission to and approval of the controlling board. 23453
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The allocation of payments for materials, equipment, textbooks, electronic textbooks, health services, and remedial services to city, local, and exempted village school districts shall be on the basis of the state board of education's estimated annual average daily membership in nonpublic elementary and high schools located in the district. 23460
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Payments made to city, local, and exempted village school districts under this section shall be equal to specific appropriations made for the purpose. All interest earned by a school district on such payments shall be used by the district for the same purposes and in the same manner as the payments may be used. 23466
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The department of education shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts shall be reimbursed for administrative costs incurred in providing such programs and 23472
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services, and under which any unexpended balance of the amounts 23476
appropriated by the general assembly to implement this section may 23477
be transferred to the auxiliary services personnel unemployment 23478
compensation fund established pursuant to section 4141.47 of the 23479
Revised Code. The department shall also adopt guidelines and 23480
procedures limiting the purchase and loan of the items described 23481
in division (K) of this section to items that are in general use 23482
in the public schools of the state, that are incapable of 23483
diversion to religious use, and that are susceptible to individual 23484
use rather than classroom use. Within thirty days after the end of 23485
each biennium, each board of education shall remit to the 23486
department all moneys paid to it under division (I) of section 23487
3317.024 of the Revised Code and any interest earned on those 23488
moneys that are not required to pay expenses incurred under this 23489
section during the biennium for which the money was appropriated 23490
and during which the interest was earned. If a board of education 23491
subsequently determines that the remittal of moneys leaves the 23492
board with insufficient money to pay all valid expenses incurred 23493
under this section during the biennium for which the remitted 23494
money was appropriated, the board may apply to the department of 23495
education for a refund of money, not to exceed the amount of the 23496
insufficiency. If the department determines the expenses were 23497
lawfully incurred and would have been lawful expenditures of the 23498
refunded money, it shall certify its determination and the amount 23499
of the refund to be made to the director of job and family 23500
services who shall make a refund as provided in section 4141.47 of 23501
the Revised Code. 23502

Each school district shall label materials, equipment, 23503
computer hardware or software, textbooks, and electronic textbooks 23504
purchased or leased for loan to a nonpublic school under this 23505
section, acknowledging that they were purchased or leased with 23506
state funds under this section. However, a district need not label 23507
materials, equipment, computer hardware or software, textbooks, or 23508

electronic textbooks that the district determines are consumable 23509
in nature or have a value of less than two hundred dollars. 23510

Sec. 3317.063. The superintendent of public instruction, in 23511
accordance with rules adopted by the department of education, 23512
shall annually reimburse each chartered nonpublic school for the 23513
actual mandated service administrative and clerical costs incurred 23514
by such school during the preceding school year in preparing, 23515
maintaining, and filing reports, forms, and records, and in 23516
providing such other administrative and clerical services that are 23517
not an integral part of the teaching process as may be required by 23518
state law or rule or by requirements duly promulgated by city, 23519
exempted village, or local school districts. The mandated service 23520
costs reimbursed pursuant to this section shall include, but are 23521
not limited to, the preparation, filing and maintenance of forms, 23522
reports, or records and other clerical and administrative services 23523
relating to state chartering or approval of the nonpublic school, 23524
pupil attendance, pupil health and health testing, transportation 23525
of pupils, federally funded education programs, pupil appraisal, 23526
pupil progress, educator licensure, unemployment and workers' 23527
compensation, transfer of pupils, and such other education related 23528
data which are now or hereafter shall be required of such 23529
nonpublic school by state law or rule, or by requirements of the 23530
state department of education, other state agencies, or city, 23531
exempted village, or local school districts. 23532

The reimbursement required by this section shall be for 23533
school years beginning on or after July 1, 1981. 23534

Each nonpublic school which seeks reimbursement pursuant to 23535
this section shall submit to the superintendent of public 23536
instruction an application together with such additional reports 23537
and documents as the department of education may require. Such 23538
application, reports, and documents shall contain such information 23539

as the department of education may prescribe in order to carry out 23540
the purposes of this section. No payment shall be made until the 23541
superintendent of public instruction has approved such 23542
application. 23543

Each nonpublic school which applies for reimbursement 23544
pursuant to this section shall maintain a separate account or 23545
system of accounts for the expenses incurred in rendering the 23546
required services for which reimbursement is sought. Such accounts 23547
shall contain such information as is required by the department of 23548
education and shall be maintained in accordance with rules adopted 23549
by the department of education. 23550

Reimbursement payments to a nonpublic school pursuant to this 23551
section shall not exceed an amount for each school year equal to 23552
~~two~~ three hundred ~~seventy-five~~ dollars per pupil enrolled in that 23553
nonpublic school. 23554

The superintendent of public instruction may, from time to 23555
time, examine any and all accounts and records of a nonpublic 23556
school which have been maintained pursuant to this section in 23557
support of an application for reimbursement, for the purpose of 23558
determining the costs to such school of rendering the services for 23559
which reimbursement is sought. If after such audit it is 23560
determined that any school has received funds in excess of the 23561
actual cost of providing such services, said school shall 23562
immediately reimburse the state in such excess amount. 23563

Any payments made to chartered nonpublic schools under this 23564
section may be disbursed without submission to and approval of the 23565
controlling board. 23566

Sec. 3317.08. A board of education may admit to its schools a 23567
child it is not required by section 3313.64 or 3313.65 of the 23568
Revised Code to admit, if tuition is paid for the child. 23569

Unless otherwise provided by law, tuition shall be computed 23570
in accordance with this section. A district's tuition charge for a 23571
school year shall be one of the following: 23572

(A) For any child, except a handicapped preschool child 23573
described in division (B) of this section, the quotient obtained 23574
by dividing the sum of the amounts described in divisions (A)(1) 23575
and (2) of this section by the district's formula ADM. 23576

(1) The district's total taxes charged and payable for 23577
current expenses for the tax year preceding the tax year in which 23578
the school year begins as certified under division (A)(3) of 23579
section 3317.021 of the Revised Code. 23580

(2) The district's total taxes collected for current expenses 23581
under a school district income tax adopted pursuant to section 23582
5748.03 or 5748.08 of the Revised Code that are disbursed to the 23583
district during the fiscal year. On or before the first day of 23584
June of each year, the tax commissioner shall certify the amount 23585
to be used in the calculation under this division for the next 23586
fiscal year to the department of education and the office of 23587
budget and management for each city, local, and exempted village 23588
school district that levies a school district income tax. 23589

(B) For any handicapped preschool child not included in a 23590
unit approved under division (B) of section 3317.05 of the Revised 23591
Code, an amount computed for the school year as follows: 23592

(1) For each type of special education service provided to 23593
the child for whom tuition is being calculated, determine the 23594
amount of the district's operating expenses in providing that type 23595
of service to all handicapped preschool children not included in 23596
units approved under division (B) of section 3317.05 of the 23597
Revised Code; 23598

(2) For each type of special education service for which 23599
operating expenses are determined under division (B)(1) of this 23600

section, determine the amount of such operating expenses that was 23601
paid from any state funds received under this chapter; 23602

(3) For each type of special education service for which 23603
operating expenses are determined under division (B)(1) of this 23604
section, divide the difference between the amount determined under 23605
division (B)(1) of this section and the amount determined under 23606
division (B)(2) of this section by the total number of handicapped 23607
preschool children not included in units approved under division 23608
(B) of section 3317.05 of the Revised Code who received that type 23609
of service; 23610

(4) Determine the sum of the quotients obtained under 23611
division (B)(3) of this section for all types of special education 23612
services provided to the child for whom tuition is being 23613
calculated. 23614

The state board of education shall adopt rules defining the 23615
types of special education services and specifying the operating 23616
expenses to be used in the computation under this section. 23617

If any child for whom a tuition charge is computed under this 23618
section for any school year is enrolled in a district for only 23619
part of that school year, the amount of the district's tuition 23620
charge for the child for the school year shall be computed in 23621
proportion to the number of school days the child is enrolled in 23622
the district during the school year. 23623

Except as otherwise provided in division (J) of section 23624
3313.64 of the Revised Code, whenever a district admits a child to 23625
its schools for whom tuition computed in accordance with this 23626
section is an obligation of another school district, the amount of 23627
the tuition shall be certified by the treasurer of the board of 23628
education of the district of attendance, to the board of education 23629
of the district required to pay tuition for its approval and 23630
payment. If agreement as to the amount payable or the district 23631

required to pay the tuition cannot be reached, or the board of 23632
education of the district required to pay the tuition refuses to 23633
pay that amount, the board of education of the district of 23634
attendance shall notify the superintendent of public instruction. 23635
The superintendent shall determine the correct amount and the 23636
district required to pay the tuition and shall deduct that amount, 23637
if any, under division (G) of section 3317.023 of the Revised 23638
Code, from the district required to pay the tuition and add that 23639
amount to the amount allocated to the district attended under such 23640
division. The superintendent of public instruction shall send to 23641
the district required to pay the tuition an itemized statement 23642
showing such deductions at the time of such deduction. 23643

When a political subdivision owns and operates an airport, 23644
welfare, or correctional institution or other project or facility 23645
outside its corporate limits, the territory within which the 23646
facility is located is exempt from taxation by the school district 23647
within which such territory is located, and there are school age 23648
children residing within such territory, the political subdivision 23649
owning such tax exempt territory shall pay tuition to the district 23650
in which such children attend school. The tuition for these 23651
children shall be computed as provided for in this section. 23652

Sec. 3317.16. (A) As used in this section: 23653

(1) "State share percentage" means the percentage calculated 23654
for a joint vocational school district as follows: 23655

(a) Calculate the state base cost funding amount for the 23656
district under division (B) of this section. If the district would 23657
not receive any base cost funding for that year under that 23658
division, the district's state share percentage is zero. 23659

(b) If the district would receive base cost funding under 23660
that division, divide that base cost amount by an amount equal to 23661
the following: 23662

~~cost of doing business factor X~~ 23663

the formula amount X 23664

formula ADM 23665

The resultant number is the district's state share
percentage. 23666
23667

(2) The "total special education weight" for a joint 23668
vocational school district shall be calculated in the same manner 23669
as prescribed in division (B)(1) of section 3317.022 of the 23670
Revised Code. 23671

(3) The "total vocational education weight" for a joint 23672
vocational school district shall be calculated in the same manner 23673
as prescribed in division (B)(4) of section 3317.022 of the 23674
Revised Code. 23675

(4) The "total recognized valuation" of a joint vocational 23676
school district shall be determined by adding the recognized 23677
valuations of all its constituent school districts for the 23678
applicable fiscal year. 23679

(5) "Resident district" means the city, local, or exempted 23680
village school district in which a student is entitled to attend 23681
school under section 3313.64 or 3313.65 of the Revised Code. 23682

(6) "Community school" means a community school established 23683
under Chapter 3314. of the Revised Code. 23684

(B) The department of education shall compute and distribute 23685
state base cost funding to each joint vocational school district 23686
for the fiscal year in accordance with ~~division (B) of this~~ 23687
~~section.~~ 23688

~~(1) Compute the following for each eligible district formula:~~ 23689

~~(cost of doing business factor X~~ 23690

formula amount X 23691

formula ADM) - 23692

(.0005 X total recognized valuation) 23693

If the difference obtained under this division is a negative 23694
number, the district's computation shall be zero. 23695

~~(2) Compute both of the following for each district:~~ 23696

~~(a) The difference of (i) the district's fiscal year 2005 23697
base cost payment under the version of division (B) of this 23698
section in effect in fiscal year 2005, minus (ii) the amount 23699
computed for the district for the current fiscal year under 23700
current division (B)(1) of this section;~~ 23701

~~(b) The following amount:~~ 23702

~~{(fiscal year 2005 base cost payment/fiscal year 2005 formula 23703
ADM) X current year formula ADM] minus the amount computed for 23704
the district under current division (B)(1) of this section 23705~~

~~If one of the amounts computed under division (B)(2)(a) or 23706
(b) of this section is a positive amount, the department shall pay 23707
the district that amount in addition to the amount calculated 23708
under division (B)(1) of this section. If both amounts are 23709
positive amounts, the department shall pay the district the lesser 23710
of the two amounts in addition to the amount calculated under 23711
division (B)(1) of this section. 23712~~

(C)(1) The department shall compute and distribute state 23713
vocational education additional weighted costs funds to each joint 23714
vocational school district in accordance with the following 23715
formula: 23716

state share percentage X formula amount X 23717

total vocational education weight 23718

In each fiscal year, a joint vocational school district 23719
receiving funds under division (C)(1) of this section shall spend 23720
those funds only for the purposes the department designates as 23721
approved for vocational education expenses. Vocational educational 23722
expenses approved by the department shall include only expenses 23723

connected to the delivery of career-technical programming to 23724
career-technical students. The department shall require the joint 23725
vocational school district to report data annually so that the 23726
department may monitor the district's compliance with the 23727
requirements regarding the manner in which funding received under 23728
division (C)(1) of this section may be spent. 23729

(2) The department shall compute for each joint vocational 23730
school district state funds for vocational education associated 23731
services costs in accordance with the following formula: 23732

state share percentage X .05 X 23733
the formula amount X the sum of 23734
categories one and two vocational 23735
education ADM 23736

In any fiscal year, a joint vocational school district 23737
receiving funds under division (C)(2) of this section, or through 23738
a transfer of funds pursuant to division (L) of section 3317.023 23739
of the Revised Code, shall spend those funds only for the purposes 23740
that the department designates as approved for vocational 23741
education associated services expenses, which may include such 23742
purposes as apprenticeship coordinators, coordinators for other 23743
vocational education services, vocational evaluation, and other 23744
purposes designated by the department. The department may deny 23745
payment under division (C)(2) of this section to any district that 23746
the department determines is not operating those services or is 23747
using funds paid under division (C)(2) of this section, or through 23748
a transfer of funds pursuant to division (L) of section 3317.023 23749
of the Revised Code, for other purposes. 23750

(D)(1) The department shall compute and distribute state 23751
special education and related services additional weighted costs 23752
funds to each joint vocational school district in accordance with 23753
the following formula: 23754

state share percentage X formula amount X 23755

total special education weight 23756

(2)(a) As used in this division, the "personnel allowance" 23757
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 23758
~~2005, 2006, and 2007~~ 2008 and 2009. 23759

(b) For the provision of speech language pathology services 23760
to students, including students who do not have individualized 23761
education programs prepared for them under Chapter 3323. of the 23762
Revised Code, and for no other purpose, the department shall pay 23763
each joint vocational school district an amount calculated under 23764
the following formula: 23765

(formula ADM divided by 2000) X the personnel 23766
allowance X state share percentage 23767

(3) In any fiscal year, a joint vocational school district 23768
shall spend for purposes that the department designates as 23769
approved for special education and related services expenses at 23770
least the amount calculated as follows: 23771

~~(cost-of-doing-business-factor X~~ formula amount 23772
X the sum of categories one through 23773
six special education ADM) + 23774
(total special education weight X 23775
formula amount) 23776

The purposes approved by the department for special education 23777
expenses shall include, but shall not be limited to, compliance 23778
with state rules governing the education of handicapped children, 23779
providing services identified in a student's individualized 23780
education program as defined in section 3323.01 of the Revised 23781
Code, provision of speech language pathology services, and the 23782
portion of the district's overall administrative and overhead 23783
costs that are attributable to the district's special education 23784
student population. 23785

The department shall require joint vocational school 23786
districts to report data annually to allow for monitoring 23787

compliance with division (D)(3) of this section. The department 23788
shall annually report to the governor and the general assembly the 23789
amount of money spent by each joint vocational school district for 23790
special education and related services. 23791

(4) In any fiscal year, a joint vocational school district 23792
shall spend for the provision of speech language pathology 23793
services not less than the sum of the amount calculated under 23794
division (D)(1) of this section for the students in the district's 23795
category one special education ADM and the amount calculated under 23796
division (D)(2) of this section. 23797

(E)(1) If a joint vocational school district's costs for a 23798
fiscal year for a student in its categories two through six 23799
special education ADM exceed the threshold catastrophic cost for 23800
serving the student, as specified in division (C)(3)(b) of section 23801
3317.022 of the Revised Code, the district may submit to the 23802
superintendent of public instruction documentation, as prescribed 23803
by the superintendent, of all of its costs for that student. Upon 23804
submission of documentation for a student of the type and in the 23805
manner prescribed, the department shall pay to the district an 23806
amount equal to the sum of the following: 23807

(a) One-half of the district's costs for the student in 23808
excess of the threshold catastrophic cost; 23809

(b) The product of one-half of the district's costs for the 23810
student in excess of the threshold catastrophic cost multiplied by 23811
the district's state share percentage. 23812

(2) The district shall only report under division (E)(1) of 23813
this section, and the department shall only pay for, the costs of 23814
educational expenses and the related services provided to the 23815
student in accordance with the student's individualized education 23816
program. Any legal fees, court costs, or other costs associated 23817
with any cause of action relating to the student may not be 23818

included in the amount. 23819

(F) Each fiscal year, the department shall pay each joint 23820
vocational school district an amount for adult technical and 23821
vocational education and specialized consultants. 23822

(G)(1) A joint vocational school district's local share of 23823
special education and related services additional weighted costs 23824
equals: 23825

(1 - state share percentage) X 23826
Total special education weight X 23827
the formula amount 23828

(2) For each handicapped student receiving special education 23829
and related services under an individualized education program, as 23830
defined in section 3323.01 of the Revised Code, at a joint 23831
vocational district, the resident district or, if the student is 23832
enrolled in a community school, the community school shall be 23833
responsible for the amount of any costs of providing those special 23834
education and related services to that student that exceed the sum 23835
of the amount calculated for those services attributable to that 23836
student under divisions (B), (D), (E), and (G)(1) of this section. 23837

Those excess costs shall be calculated by subtracting the sum 23838
of the following from the actual cost to provide special education 23839
and related services to the student: 23840

(a) ~~The product of the formula amount times the~~ 23841
~~cost-of-doing-business-factor;~~ 23842

(b) The product of the formula amount times the applicable 23843
multiple specified in section 3317.013 of the Revised Code; 23844

(c) Any funds paid under division (E) of this section for the 23845
student; 23846

(d) Any other funds received by the joint vocational school 23847
district under this chapter to provide special education and 23848

related services to the student, not including the amount 23849
calculated under division (G)(2) of this section. 23850

(3) The board of education of the joint vocational school 23851
district may report the excess costs calculated under division 23852
(G)(2) of this section to the department of education. 23853

(4) If the board of education of the joint vocational school 23854
district reports excess costs under division (G)(3) of this 23855
section, the department shall pay the amount of excess cost 23856
calculated under division (G)(2) of this section to the joint 23857
vocational school district and shall deduct that amount as 23858
provided in division (G)(4)(a) or (b) of this section, as 23859
applicable: 23860

(a) If the student is not enrolled in a community school, the 23861
department shall deduct the amount from the account of the 23862
student's resident district pursuant to division (M) of section 23863
3317.023 of the Revised Code. 23864

(b) If the student is enrolled in a community school, the 23865
department shall deduct the amount from the account of the 23866
community school pursuant to section 3314.083 of the Revised Code. 23867

Sec. 3317.161. If the department of education is required to 23868
pay an amount under section 3353.25 of the Revised Code to a 23869
school district delivering a course included in the clearinghouse 23870
established under section 3353.21 of the Revised Code for a 23871
student enrolled in a joint vocational school district, the 23872
department shall deduct the amount of that payment from the amount 23873
calculated for the joint vocational school district under section 23874
3317.16 of the Revised Code. 23875

Sec. 3317.20. This section does not apply to handicapped 23876
preschool children. 23877

(A) As used in this section: 23878

(1) "Applicable weight" means the multiple specified in section 3317.013 of the Revised Code for a handicap described in that section.

(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) "State share percentage" means the state share percentage of the child's school district as defined in section 3317.022 of the Revised Code.

(B) Except as provided in division (C) of this section, the department shall annually pay each county MR/DD board for each handicapped child, other than a handicapped preschool child, for whom the county MR/DD board provides special education and related services ~~the greater of the amount calculated under division (B)(1) or (2) of this section:~~

~~(1) (The formula amount for fiscal year 2005 X the cost of doing business factor for the child's school district for fiscal year 2005) + (state share percentage for fiscal year 2005 X formula amount for fiscal year 2005 X the applicable weight);~~

~~(2) (The current an amount equal to the formula amount times the current cost of doing business factor for the child's school district) + (state share percentage X ~~current~~ formula amount X the applicable weight).~~

(C) If any school district places with a county MR/DD board more handicapped children than it had placed with a county MR/DD board in fiscal year 1998, the department shall not make a payment under division (B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter, and pay to the county MR/DD board, an amount calculated in accordance with the formula prescribed in division (B) of this

section for each child over the number of children placed in 23910
fiscal year 1998. 23911

(D) The department shall calculate for each county MR/DD 23912
board receiving payments under divisions (B) and (C) of this 23913
section the following amounts: 23914

(1) The amount received by the county MR/DD board for 23915
approved special education and related services units, other than 23916
preschool handicapped units, in fiscal year 1998, divided by the 23917
total number of children served in the units that year; 23918

(2) The product of the quotient calculated under division 23919
(D)(1) of this section times the number of children for whom 23920
payments are made under divisions (B) and (C) of this section. 23921

If the amount calculated under division (D)(2) of this 23922
section is greater than the total amount calculated under 23923
divisions (B) and (C) of this section, the department shall pay 23924
the county MR/DD board one hundred per cent of the difference in 23925
addition to the payments under divisions (B) and (C) of this 23926
section. 23927

Sec. 3317.201. This section does not apply to handicapped 23928
preschool children. 23929

(A) As used in this section, the "total special education 23930
weight" for an institution means the sum of the following amounts: 23931

(1) The number of children reported by the institution under 23932
division (G)(1)(a)~~(i)~~ of section 3317.03 of the Revised Code as 23933
receiving services for a handicap described in division (A) of 23934
section 3317.013 of the Revised Code multiplied by the multiple 23935
specified in that division; 23936

(2) The number of children reported by the institution under 23937
division (G)(1)(a)~~(i)~~ of section 3317.03 of the Revised Code as 23938
receiving services for a handicap described in division (B) of 23939

section 3317.013 of the Revised Code multiplied by the multiple specified in that division;	23940 23941
(3) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a handicap described in division (C) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division;	23942 23943 23944 23945 23946
(4) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a handicap described in division (D) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division;	23947 23948 23949 23950 23951
(5) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a handicap described in division (E) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division;	23952 23953 23954 23955 23956
(6) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a handicap described in division (F) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division.	23957 23958 23959 23960 23961
(B) The <u>For each fiscal year, the</u> department of education annually shall pay each state institution required to provide special education services under division (A) of section 3323.091 of the Revised Code an amount equal to the greater of:	23962 23963 23964 23965
(1) The formula amount times the institution's total special education weight;	23966 23967
(2) The aggregate amount of special education and related services unit funding the institution received for all handicapped children other than handicapped preschool children in fiscal year	23968 23969 23970

2005 under sections 3317.052 and 3317.053 of the Revised Code, as 23971
those sections existed prior to ~~the effective date of this section~~ 23972
June 30, 2005. 23973

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 23974
Revised Code: 23975

(A) "Ohio school facilities commission" means the commission 23976
created pursuant to section 3318.30 of the Revised Code. 23977

(B) "Classroom facilities" means rooms in which pupils 23978
regularly assemble in public school buildings to receive 23979
instruction and education and such facilities and building 23980
improvements for the operation and use of such rooms as may be 23981
needed in order to provide a complete educational program, and may 23982
include space within which a child care facility or a community 23983
resource center is housed. "Classroom facilities" includes any 23984
space necessary for the operation of a vocational education 23985
program for secondary students in any school district that 23986
operates such a program. 23987

(C) "Project" means a project to construct or acquire 23988
classroom facilities, or to reconstruct or make additions to 23989
existing classroom facilities, to be used for housing the 23990
applicable school district and its functions. 23991

(D) "School district" means a local, exempted village, or 23992
city school district as such districts are defined in Chapter 23993
3311. of the Revised Code, acting as an agency of state 23994
government, performing essential governmental functions of state 23995
government pursuant to sections 3318.01 to 3318.20 of the Revised 23996
Code. 23997

For purposes of assistance provided under sections 3318.40 to 23998
3318.45 of the Revised Code, the term "school district" as used in 23999
this section and in divisions (A), (C), and (D) of section 3318.03 24000

and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 24001
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 24002
3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised 24003
Code means a joint vocational school district established pursuant 24004
to section 3311.18 of the Revised Code. 24005

(E) "School district board" means the board of education of a 24006
school district. 24007

(F) "Net bonded indebtedness" means the difference between 24008
the sum of the par value of all outstanding and unpaid bonds and 24009
notes which a school district board is obligated to pay and any 24010
amounts the school district is obligated to pay under 24011
lease-purchase agreements entered into under section 3313.375 of 24012
the Revised Code, and the amount held in the sinking fund and 24013
other indebtedness retirement funds for their redemption. Notes 24014
issued for school buses in accordance with section 3327.08 of the 24015
Revised Code, notes issued in anticipation of the collection of 24016
current revenues, and bonds issued to pay final judgments shall 24017
not be considered in calculating the net bonded indebtedness. 24018

"Net bonded indebtedness" does not include indebtedness 24019
arising from the acquisition of land to provide a site for 24020
classroom facilities constructed, acquired, or added to pursuant 24021
to sections 3318.01 to 3318.20 of the Revised Code or the par 24022
value of bonds that have been authorized by the electors and the 24023
proceeds of which will be used by the district to provide any part 24024
of its portion of the basic project cost. 24025

(G) "Board of elections" means the board of elections of the 24026
county containing the most populous portion of the school 24027
district. 24028

(H) "County auditor" means the auditor of the county in which 24029
the greatest value of taxable property of such school district is 24030
located. 24031

(I) "Tax duplicates" means the general tax lists and duplicates prescribed by sections 319.28 and 319.29 of the Revised Code.

(J) "Required level of indebtedness" means:

(1) In the case of school districts in the first percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code.

(2) In the case of school districts ranked in a subsequent percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project minus one)].

(K) "Required percentage of the basic project costs" means one per cent of the basic project costs times the percentile in which the school district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project.

(L) "Basic project cost" means a cost amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio school facilities commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the grade levels to be housed in the classroom facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of demolition of all or part of any existing classroom facilities that are abandoned under the project, the cost of insuring the project until it is

completed, any contingency reserve amount prescribed by the 24063
commission under section 3318.086 of the Revised Code, and the 24064
professional planning, administration, and design fees that a 24065
school district may have to pay to undertake a classroom 24066
facilities project. 24067

For a joint vocational school district that receives 24068
assistance under sections 3318.40 to 3318.45 of the Revised Code, 24069
the basic project cost calculation for a project under those 24070
sections shall also take into account the types of laboratory 24071
spaces and program square footages needed for the vocational 24072
education programs for high school students offered by the school 24073
district. 24074

(M)(1) Except for a joint vocational school district that 24075
receives assistance under sections 3318.40 to 3318.45 of the 24076
Revised Code, a "school district's portion of the basic project 24077
cost" means the amount determined under section 3318.032 of the 24078
Revised Code. 24079

(2) For a joint vocational school district that receives 24080
assistance under sections 3318.40 to 3318.45 of the Revised Code, 24081
a "school district's portion of the basic project cost" means the 24082
amount determined under division (C) of section 3318.42 of the 24083
Revised Code. 24084

(N) "Child care facility" means space within a classroom 24085
facility in which the needs of infants, toddlers, preschool 24086
children, and school children are provided for by persons other 24087
than the parent or guardian of such children for any part of the 24088
day, including persons not employed by the school district 24089
operating such classroom facility. 24090

(O) "Community resource center" means space within a 24091
classroom facility in which comprehensive services that support 24092
the needs of families and children are provided by community-based 24093

social service providers. 24094

(P) "Valuation" means the total value of all property in the 24095
school district as listed and assessed for taxation on the tax 24096
duplicates. 24097

(Q) "Percentile" means the percentile in which the school 24098
district is ranked pursuant to ~~division (D)~~ of section 3318.011 of 24099
the Revised Code. 24100

(R) "Installation of site utilities" means the installation 24101
of a site domestic water system, site fire protection system, site 24102
gas distribution system, site sanitary system, site storm drainage 24103
system, and site telephone and data system. 24104

(S) "Site preparation" means the earthwork necessary for 24105
preparation of the building foundation system, the paved 24106
pedestrian and vehicular circulation system, playgrounds on the 24107
project site, and lawn and planting on the project site. 24108

Sec. 3318.011. For purposes of providing assistance under 24109
sections 3318.01 to 3318.20 of the Revised Code, the department of 24110
education shall annually do all of the following: 24111

(A) Calculate the adjusted valuation per pupil of each city, 24112
local, and exempted village school district according to the 24113
following formula: 24114

The district's valuation per pupil - 24115
[\$30,000 X (1 - the district's income factor)]. 24116

For purposes of this calculation: 24117

(1) "Valuation Except for a district with an open enrollment 24118
net gain that is ten per cent or more of its formula ADM, 24119
"valuation per pupil" for a district means its average taxable 24120
value, divided by its formula ADM ~~reported under section 3317.03~~ 24121
~~of the Revised Code~~ for the previous fiscal year. "Valuation per 24122
pupil," for a district with an open enrollment net gain that is 24123

ten per cent or more of its formula ADM, means its average taxable value, divided by the sum of its formula ADM for the previous fiscal year plus its open enrollment net gain for the previous fiscal year. 24124
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(2) "Average taxable value" means the average of the amounts certified for a district in the second, third, and fourth preceding fiscal years under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 24128
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(3) "~~Income~~ Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code. 24132
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(4) "Formula ADM" and "income factor" ~~has~~ have the same meaning ~~meanings~~ as in section 3317.02 of the Revised Code. 24135
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(5) "Native student" has the same meaning as in section 3313.98 of the Revised Code. 24137
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(6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another district under the other district's open enrollment policy, both numbers as certified to the department under section 3313.981 of the Revised Code. If the difference is a negative number, the district's "open enrollment net gain" is zero. 24139
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(7) "Open enrollment policy" means an interdistrict open enrollment policy adopted under section 3313.98 of the Revised Code. 24148
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(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years; 24151
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(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil;

(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted valuations per pupil;

(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;

(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio school facilities commission.

Notwithstanding anything in this section to the contrary, the department shall not rank any school district subject to division (F) of section 3318.36 of the Revised Code in a higher percentile than the percentile in which the district was ranked on the date the electors of the district approved a bond issue to pay the district's portion of the basic project cost. The percentile ranking resulting from this paragraph shall be used by the commission only to determine when the district is eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code and shall not be used to calculate the district's portion of the basic project cost. For this purpose, the commission annually shall notify the department of all school districts that have become subject to division (F) of section 3318.36 of the Revised Code since the department completed its most recent school district rankings under this section.

Sec. 3318.023. Notwithstanding anything to the contrary in 24186
section 3318.02 of the Revised Code, each fiscal year, at the time 24187
that the Ohio school facilities commission conditionally approves 24188
projects of school districts under ~~section~~ sections 3318.01 to 24189
3318.20 of the Revised Code for which it plans to provide 24190
assistance under those sections for that fiscal year, the 24191
commission also shall identify the next ten school districts from 24192
lowest to highest in order of the ranking calculated for the 24193
previous fiscal year under ~~division (D)~~ of section 3318.011 of the 24194
Revised Code that have not yet been conditionally approved for 24195
assistance under ~~section~~ sections 3318.01 to 3318.20 of the 24196
Revised Code. Those districts shall have priority in the order of 24197
such ranking with the lowest valuation having the highest priority 24198
for future assistance under those sections over all other school 24199
districts except for districts receiving assistance under division 24200
(B)(2) of section 3318.04, section 3318.37, or section 3318.38 of 24201
the Revised Code or districts that have priority under section 24202
3318.05 of the Revised Code. 24203

Sec. 3318.12. (A) The Ohio school facilities commission shall 24204
cause to be transferred to the school district's project 24205
construction fund the necessary amounts from amounts appropriated 24206
by the general assembly and set aside for such purpose, from time 24207
to time as may be necessary to pay obligations chargeable to such 24208
fund when due. All investment earnings of a school district's 24209
project construction fund shall be credited to the fund. 24210

(B)(1) The treasurer of the school district board shall 24211
disburse funds from the school district's project construction 24212
fund, including investment earnings credited to the fund, only 24213
upon the approval of the commission or the commission's designated 24214
representative. The commission or the commission's designated 24215
representative shall issue vouchers against such fund, in such 24216

amounts, and at such times as required by the contracts for 24217
construction of the project. 24218

(2) Notwithstanding anything to the contrary in division 24219
(B)(1) of this section, the school district board may, by a duly 24220
adopted resolution, choose to use all or part of the investment 24221
earnings of the district's project construction fund that are 24222
attributable to the district's contribution to the fund to pay the 24223
cost of classroom facilities or portions or components of 24224
classroom facilities that are not included in the district's basic 24225
project cost but that are related to the district's project. If 24226
the district board adopts a resolution in favor of using those 24227
investment earnings as authorized under division (B)(2) of this 24228
section, the treasurer shall disburse the amount as designated and 24229
directed by the board. However, if the district board chooses to 24230
use any part of the investment earnings for classroom facilities 24231
or portions or components of classroom facilities that are not 24232
included in the basic project cost, as authorized under division 24233
(B)(2) of this section, and, subsequently, the cost of the project 24234
exceeds the amount in the project construction fund, the district 24235
board shall restore to the project construction fund the full 24236
amount of the investment earnings used under division (B)(2) of 24237
this section before any additional state moneys shall be released 24238
for the project. 24239

(C) After the project has been completed: 24240

(1) ~~Any~~ At the discretion of the school district board, any 24241
investment earnings remaining in the project construction fund 24242
that are attributable to the school district's contribution to the 24243
fund shall be ~~transferred:~~ 24244

(a) Retained in the project construction fund for future 24245
projects; 24246

(b) Transferred to the district's maintenance fund required 24247

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; 24248
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(c) Transferred to the district's permanent improvement fund. 24251

(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. 24252
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(3) Any other surplus remaining in the school district's project construction fund after the project has been completed shall be transferred to the commission and the school district board in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. 24257
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(D) Pursuant to appropriations of the general assembly, any moneys transferred to the commission under division (C)(2) or (3) of this section from a project construction fund for a project under sections 3318.40 to 3318.45 of the Revised Code may be used for future expenditures for projects under sections 3318.40 to 3318.45 of the Revised Code, notwithstanding the two per cent annual limit specified in division (B) of section 3318.40 of the Revised Code. 24264
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Sec. 3318.15. There is hereby created the public school building fund within the state treasury consisting of any moneys transferred or appropriated to the fund by the general assembly, moneys paid into or transferred in accordance with section 3318.47 of the Revised Code, and any grants, gifts, or contributions received by the Ohio school facilities commission to be used for the purposes of the fund. All investment earnings of the fund 24272
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shall be credited to the fund. 24279

Moneys transferred or appropriated to the fund by the general 24280
assembly and moneys in the fund from grants, gifts, and 24281
contributions shall be used for the purposes of Chapter 3318. of 24282
the Revised Code as prescribed by the general assembly. 24283

Sec. 3318.26. (A) The provisions of this section apply only 24284
to obligations issued by the issuing authority prior to December 24285
1, 1999. 24286

(B) Subject to the limitations provided in section 3318.29 of 24287
the Revised Code, the issuing authority, upon the certification by 24288
the Ohio school facilities commission to the issuing authority of 24289
the amount of moneys or additional moneys needed in the school 24290
building program assistance fund for the purposes of sections 24291
3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the Revised 24292
Code, or needed for capitalized interest, for funding reserves, 24293
and for paying costs and expenses incurred in connection with the 24294
issuance, carrying, securing, paying, redeeming, or retirement of 24295
the obligations or any obligations refunded thereby, including 24296
payment of costs and expenses relating to letters of credit, lines 24297
of credit, insurance, put agreements, standby purchase agreements, 24298
indexing, marketing, remarketing and administrative arrangements, 24299
interest swap or hedging agreements, and any other credit 24300
enhancement, liquidity, remarketing, renewal, or refunding 24301
arrangements, all of which are authorized by this section, shall 24302
issue obligations of the state under this section in the required 24303
amount. The proceeds of such obligations, except for obligations 24304
issued to provide moneys for the school building program 24305
assistance fund shall be deposited by the treasurer of state in 24306
special funds, including reserve funds, as provided in the bond 24307
proceedings. The issuing authority may appoint trustees, paying 24308
agents, and transfer agents and may retain the services of 24309

financial advisors and accounting experts and retain or contract 24310
for the services of marketing, remarketing, indexing, and 24311
administrative agents, other consultants, and independent 24312
contractors, including printing services, as are necessary in the 24313
issuing authority's judgment to carry out this section. The costs 24314
of such services are payable from the school building program 24315
assistance fund or any special fund determined by the issuing 24316
authority. 24317

(C) The holders or owners of such obligations shall have no 24318
right to have moneys raised by taxation obligated or pledged, and 24319
moneys raised by taxation shall not be obligated or pledged, for 24320
the payment of bond service charges. Such holders or owners shall 24321
have no rights to payment of bond service charges from any money 24322
or property received by the commission, treasurer of state, or the 24323
state, or from any other use of the proceeds of the sale of the 24324
obligations, and no such moneys may be used for the payment of 24325
bond service charges, except for accrued interest, capitalized 24326
interest, and reserves funded from proceeds received upon the sale 24327
of the obligations and except as otherwise expressly provided in 24328
the applicable bond proceedings pursuant to written directions by 24329
the treasurer of state. The right of such holders and owners to 24330
payment of bond service charges shall be limited to all or that 24331
portion of the pledged receipts and those special funds pledged 24332
thereto pursuant to the bond proceedings in accordance with this 24333
section, and each such obligation shall bear on its face a 24334
statement to that effect. 24335

(D) Obligations shall be authorized by resolution or order of 24336
the issuing authority and the bond proceedings shall provide for 24337
the purpose thereof and the principal amount or amounts, and shall 24338
provide for or authorize the manner or agency for determining the 24339
principal maturity or maturities, not exceeding the limits 24340
specified in section 3318.29 of the Revised Code, the interest 24341

rate or rates or the maximum interest rate, the date of the 24342
obligations and the dates of payment of interest thereon, their 24343
denomination, and the establishment within or without the state of 24344
a place or places of payment of bond service charges. Sections 24345
9.98 to 9.983 of the Revised Code are applicable to obligations 24346
issued under this section, subject to any applicable limitation 24347
under section 3318.29 of the Revised Code. The purpose of such 24348
obligations may be stated in the bond proceedings in terms 24349
describing the general purpose or purposes to be served. The bond 24350
proceedings shall also provide, subject to the provisions of any 24351
other applicable bond proceedings, for the pledge of all, or such 24352
part as the issuing authority may determine, of the pledged 24353
receipts and the applicable special fund or funds to the payment 24354
of bond service charges, which pledges may be made either prior or 24355
subordinate to other expenses, claims, or payments, and may be 24356
made to secure the obligations on a parity with obligations 24357
theretofore or thereafter issued, if and to the extent provided in 24358
the bond proceedings. The pledged receipts and special funds so 24359
pledged and thereafter received by the state are immediately 24360
subject to the lien of such pledge without any physical delivery 24361
thereof or further act, and the lien of any such pledges is valid 24362
and binding against all parties having claims of any kind against 24363
the state or any governmental agency of the state, irrespective of 24364
whether such parties have notice thereof, and shall create a 24365
perfected security interest for all purposes of Chapter 1309. of 24366
the Revised Code, without the necessity for separation or delivery 24367
of funds or for the filing or recording of the bond proceedings by 24368
which such pledge is created or any certificate, statement or 24369
other document with respect thereto; and the pledge of such 24370
pledged receipts and special funds is effective and the money 24371
therefrom and thereof may be applied to the purposes for which 24372
pledged without necessity for any act of appropriation, except as 24373
required by section 3770.06 of the Revised Code. Every pledge, and 24374

every covenant and agreement made with respect thereto, made in 24375
the bond proceedings may therein be extended to the benefit of the 24376
owners and holders of obligations authorized by this section, and 24377
to any trustee therefor, for the further security of the payment 24378
of the bond service charges. 24379

(E) The bond proceedings may contain additional provisions as 24380
to: 24381

(1) The redemption of obligations prior to maturity at the 24382
option of the issuing authority at such price or prices and under 24383
such terms and conditions as are provided in the bond proceedings; 24384

(2) Other terms of the obligations; 24385

(3) Limitations on the issuance of additional obligations; 24386

(4) The terms of any trust agreement or indenture securing 24387
the obligations or under which the same may be issued; 24388

(5) The deposit, investment and application of special funds, 24389
and the safeguarding of moneys on hand or on deposit, without 24390
regard to Chapter 131., 133., or 135. of the Revised Code, but 24391
subject to any special provisions of sections 3318.21 to 3318.29 24392
of the Revised Code, with respect to particular funds or moneys, 24393
provided that any bank or trust company that acts as depository of 24394
any moneys in the special funds may furnish such indemnifying 24395
bonds or may pledge such securities as required by the issuing 24396
authority; 24397

(6) Any or every provision of the bond proceedings being 24398
binding upon such officer, board, commission, authority, agency, 24399
department, or other person or body as may from time to time have 24400
the authority under law to take such actions as may be necessary 24401
to perform all or any part of the duty required by such provision; 24402

(7) Any provision that may be made in a trust agreement or 24403
indenture; 24404

(8) The lease or sublease of any interest of the school 24405
district or the state in one or more projects as defined in 24406
division (C) of section 3318.01 of the Revised Code, or in one or 24407
more permanent improvements, to or from the issuing authority, as 24408
provided in one or more lease or sublease agreements between the 24409
school or the state and the issuing authority; 24410

(9) Any other or additional agreements with the holders of 24411
the obligations, or the trustee therefor, relating to the 24412
obligations or the security therefor. 24413

(F) The obligations may have the great seal of the state or a 24414
facsimile thereof affixed thereto or printed thereon. The 24415
obligations and any coupons pertaining to obligations shall be 24416
signed or bear the facsimile signature of the issuing authority. 24417
Any obligations or coupons may be executed by the person who, on 24418
the date of execution, is the proper issuing authority although on 24419
the date of such bonds or coupons such person was not the issuing 24420
authority. In case the issuing authority whose signature or a 24421
facsimile of whose signature appears on any such obligation or 24422
coupon ceases to be the issuing authority before delivery thereof, 24423
such signature or facsimile is nevertheless valid and sufficient 24424
for all purposes as if the issuing authority had remained the 24425
issuing authority until such delivery; and in case the seal to be 24426
affixed to obligations has been changed after a facsimile of the 24427
seal has been imprinted on such obligations, such facsimile seal 24428
shall continue to be sufficient as to such obligations and 24429
obligations issued in substitution or exchange therefor. 24430

(G) All obligations are negotiable instruments and securities 24431
under Chapter 1308. of the Revised Code, subject to the provisions 24432
of the bond proceedings as to registration. The obligations may be 24433
issued in coupon or in registered form, or both, as the issuing 24434
authority determines. Provision may be made for the registration 24435
of any obligations with coupons attached thereto as to principal 24436

alone or as to both principal and interest, their exchange for 24437
obligations so registered, and for the conversion or reconversion 24438
into obligations with coupons attached thereto of any obligations 24439
registered as to both principal and interest, and for reasonable 24440
charges for such registration, exchange, conversion, and 24441
reconversion. 24442

(H) Obligations may be sold at public sale or at private 24443
sale, as determined in the bond proceedings. 24444

(I) Pending preparation of definitive obligations, the 24445
issuing authority may issue interim receipts or certificates which 24446
shall be exchanged for such definitive obligations. 24447

(J) In the discretion of the issuing authority, obligations 24448
may be secured additionally by a trust agreement or indenture 24449
between the issuing authority and a corporate trustee which may be 24450
any trust company or bank having ~~its principal~~ a place of business 24451
within the state. Any such agreement or indenture may contain the 24452
resolution or order authorizing the issuance of the obligations, 24453
any provisions that may be contained in any bond proceedings, and 24454
other provisions that are customary or appropriate in an agreement 24455
or indenture of such type, including, but not limited to: 24456

(1) Maintenance of each pledge, trust agreement, indenture, 24457
or other instrument comprising part of the bond proceedings until 24458
the state has fully paid the bond service charges on the 24459
obligations secured thereby, or provision therefor has been made; 24460

(2) In the event of default in any payments required to be 24461
made by the bond proceedings, or any other agreement of the 24462
issuing authority made as a part of the contract under which the 24463
obligations were issued, enforcement of such payments or agreement 24464
by mandamus, the appointment of a receiver, suit in equity, action 24465
at law, or any combination of the foregoing; 24466

(3) The rights and remedies of the holders of obligations and 24467

of the trustee, and provisions for protecting and enforcing them, 24468
including limitations on rights of individual holders of 24469
obligations; 24470

(4) The replacement of any obligations that become mutilated 24471
or are destroyed, lost, or stolen; 24472

(5) Such other provisions as the trustee and the issuing 24473
authority agree upon, including limitations, conditions, or 24474
qualifications relating to any of the foregoing. 24475

(K) Any holder of obligations or a trustee under the bond 24476
proceedings, except to the extent that the holder's or trustee's 24477
rights are restricted by the bond proceedings, may by any suitable 24478
form of legal proceedings, protect and enforce any rights under 24479
the laws of this state or granted by such bond proceedings. Such 24480
rights include the right to compel the performance of all duties 24481
of the issuing authority, the commission, or the director of 24482
budget and management required by sections 3318.21 to 3318.29 of 24483
the Revised Code or the bond proceedings; to enjoin unlawful 24484
activities; and in the event of default with respect to the 24485
payment of any bond service charges on any obligations or in the 24486
performance of any covenant or agreement on the part of the 24487
issuing authority, the commission, or the director of budget and 24488
management in the bond proceedings, to apply to a court having 24489
jurisdiction of the cause to appoint a receiver to receive and 24490
administer the pledged receipts and special funds, other than 24491
those in the custody of the treasurer of state or the commission, 24492
which are pledged to the payment of the bond service charges on 24493
such obligations or which are the subject of the covenant or 24494
agreement, with full power to pay, and to provide for payment of 24495
bond service charges on, such obligations, and with such powers, 24496
subject to the direction of the court, as are accorded receivers 24497
in general equity cases, excluding any power to pledge additional 24498
revenues or receipts or other income or moneys of the issuing 24499

authority or the state or governmental agencies of the state to 24500
the payment of such principal and interest and excluding the power 24501
to take possession of, mortgage, or cause the sale or otherwise 24502
dispose of any permanent improvement. 24503

Each duty of the issuing authority and the issuing 24504
authority's officers and employees, and of each governmental 24505
agency and its officers, members, or employees, undertaken 24506
pursuant to the bond proceedings or any agreement or loan made 24507
under authority of sections 3318.21 to 3318.29 of the Revised 24508
Code, and in every agreement by or with the issuing authority, is 24509
hereby established as a duty of the issuing authority, and of each 24510
such officer, member, or employee having authority to perform such 24511
duty, specifically enjoined by the law resulting from an office, 24512
trust, or station within the meaning of section 2731.01 of the 24513
Revised Code. 24514

The person who is at the time the issuing authority, or the 24515
issuing authority's officers or employees, are not liable in their 24516
personal capacities on any obligations issued by the issuing 24517
authority or any agreements of or with the issuing authority. 24518

(L) Obligations issued under this section are lawful 24519
investments for banks, societies for savings, savings and loan 24520
associations, deposit guarantee associations, trust companies, 24521
trustees, fiduciaries, insurance companies, including domestic for 24522
life and domestic not for life, trustees or other officers having 24523
charge of sinking and bond retirement or other special funds of 24524
political subdivisions and taxing districts of this state, the 24525
commissioners of the sinking fund of the state, the administrator 24526
of workers' compensation, the state teachers retirement system, 24527
the public employees retirement system, the school employees 24528
retirement system, and the Ohio police and fire pension fund, 24529
notwithstanding any other provisions of the Revised Code or rules 24530
adopted pursuant thereto by any governmental agency of the state 24531

with respect to investments by them, and also are acceptable as 24532
security for the deposit of public moneys. 24533

(M) Unless otherwise provided in any applicable bond 24534
proceedings, moneys to the credit of or in the special funds 24535
established by or pursuant to this section may be invested by or 24536
on behalf of the issuing authority only in notes, bonds, or other 24537
obligations of the United States, or of any agency or 24538
instrumentality of the United States, obligations guaranteed as to 24539
principal and interest by the United States, obligations of this 24540
state or any political subdivision of this state, and certificates 24541
of deposit of any national bank located in this state and any 24542
bank, as defined in section 1101.01 of the Revised Code, subject 24543
to inspection by the superintendent of financial institutions. If 24544
the law or the instrument creating a trust pursuant to division 24545
(J) of this section expressly permits investment in direct 24546
obligations of the United States or an agency of the United 24547
States, unless expressly prohibited by the instrument, such moneys 24548
also may be invested in no front end load money market mutual 24549
funds consisting exclusively of obligations of the United States 24550
or an agency of the United States and in repurchase agreements, 24551
including those issued by the fiduciary itself, secured by 24552
obligations of the United States or an agency of the United 24553
States; and in collective investment funds established in 24554
accordance with section 1111.14 of the Revised Code and consisting 24555
exclusively of any such securities, notwithstanding division 24556
(B)(1)(c) of that section. The income from such investments shall 24557
be credited to such funds as the issuing authority determines, and 24558
such investments may be sold at such times as the issuing 24559
authority determines or authorizes. 24560

(N) Provision may be made in the applicable bond proceedings 24561
for the establishment of separate accounts in the bond service 24562
fund and for the application of such accounts only to the 24563

specified bond service charges on obligations pertinent to such 24564
accounts and bond service fund and for other accounts therein 24565
within the general purposes of such fund. Unless otherwise 24566
provided in any applicable bond proceedings, moneys to the credit 24567
of or in the several special funds established pursuant to this 24568
section shall be disbursed on the order of the treasurer of state, 24569
provided that no such order is required for the payment from the 24570
bond service fund when due of bond service charges on obligations. 24571

(O) The issuing authority may pledge all, or such portion as 24572
the issuing authority determines, of the pledged receipts to the 24573
payment of bond service charges on obligations issued under this 24574
section, and for the establishment and maintenance of any 24575
reserves, as provided in the bond proceedings, and make other 24576
provisions therein with respect to pledged receipts as authorized 24577
by this chapter, which provisions shall be controlling 24578
notwithstanding any other provisions of law pertaining thereto. 24579

(P) The issuing authority may covenant in the bond 24580
proceedings, and any such covenants shall be controlling 24581
notwithstanding any other provision of law, that the state and 24582
applicable officers and governmental agencies of the state, 24583
including the general assembly, so long as any obligations are 24584
outstanding, shall: 24585

(1) Maintain statutory authority for and cause to be operated 24586
the state lottery, including the transfers to and from the lottery 24587
profits education fund created in section 3770.06 of the Revised 24588
Code so that the pledged receipts shall be sufficient in amount to 24589
meet bond service charges, and the establishment and maintenance 24590
of any reserves and other requirements provided for in the bond 24591
proceedings; 24592

(2) Take or permit no action, by statute or otherwise, that 24593
would impair the exclusion from gross income for federal income 24594
tax purposes of the interest on any obligations designated by the 24595

bond proceeding as tax-exempt obligations. 24596

(Q) There is hereby created the school building program bond 24597
service fund, which shall be in the custody of the treasurer of 24598
state but shall be separate and apart from and not a part of the 24599
state treasury. All moneys received by or on account of the 24600
issuing authority or state agencies and required by the applicable 24601
bond proceedings, consistent with this section, to be deposited, 24602
transferred, or credited to the school building program bond 24603
service fund, and all other moneys transferred or allocated to or 24604
received for the purposes of the fund, shall be deposited and 24605
credited to such fund and to any separate accounts therein, 24606
subject to applicable provisions of the bond proceedings, but 24607
without necessity for any act of appropriation, except as required 24608
by section 3770.06 of the Revised Code. During the period 24609
beginning with the date of the first issuance of obligations and 24610
continuing during such time as any such obligations are 24611
outstanding, and so long as moneys in the school building program 24612
bond service fund are insufficient to pay all bond service charges 24613
on such obligations becoming due in each year, a sufficient amount 24614
of the moneys from the lottery profits education fund included in 24615
pledged receipts, subject to appropriation for such purpose as 24616
provided in section 3770.06 of the Revised Code, are committed and 24617
shall be paid to the school building program bond service fund in 24618
each year for the purpose of paying the bond service charges 24619
becoming due in that year. The school building program bond 24620
service fund is a trust fund and is hereby pledged to the payment 24621
of bond service charges solely on obligations issued to provide 24622
moneys for the school building program assistance fund to the 24623
extent provided in the applicable bond proceedings, and payment 24624
thereof from such fund shall be made or provided for by the 24625
treasurer of state in accordance with such bond proceedings 24626
without necessity for any act of appropriation except as required 24627
by section 3770.06 of the Revised Code. 24628

(R) The obligations, the transfer thereof, and the income 24629
therefrom, including any profit made on the sale thereof, at all 24630
times shall be free from taxation within the state. 24631

Sec. 3318.36. (A)(1) As used in this section: 24632

(a) "Ohio school facilities commission," "classroom 24633
facilities," "school district," "school district board," "net 24634
bonded indebtedness," "required percentage of the basic project 24635
costs," "basic project cost," "valuation," and "percentile" have 24636
the same meanings as in section 3318.01 of the Revised Code. 24637

(b) "Required level of indebtedness" means five per cent of 24638
the school district's valuation for the year preceding the year in 24639
which the commission and school district enter into an agreement 24640
under division (B) of this section, plus [two one-hundredths of 24641
one per cent multiplied by (the percentile in which the district 24642
ranks minus one)]. 24643

(c) "Local resources" means any moneys generated in any 24644
manner permitted for a school district board to raise the school 24645
district portion of a project undertaken with assistance under 24646
sections 3318.01 to 3318.20 of the Revised Code. 24647

(2) For purposes of determining either the required level of 24648
indebtedness, as defined in division (A)(1)(b) of this section, or 24649
the required percentage of the basic project costs, under division 24650
(C)(1) of this section, the percentile ranking of a school 24651
district with which the commission has entered into an agreement 24652
under this section between the first day of July and the 24653
thirty-first day of August in each fiscal year is the percentile 24654
ranking calculated for that district for the immediately preceding 24655
fiscal year, and the percentile ranking of a school district with 24656
which the commission has entered into such agreement between the 24657
first day of September and the thirtieth day of June in each 24658
fiscal year is the percentile ranking calculated for that district 24659

for the current fiscal year. 24660

(B)(1) There is hereby established the school building 24661
assistance expedited local partnership program. Under the program, 24662
the Ohio school facilities commission may enter into an agreement 24663
with the school district board of any school district under which 24664
the school district board may proceed with the new construction or 24665
major repairs of a part of the school district's classroom 24666
facilities needs, as determined under sections 3318.01 to 3318.20 24667
of the Revised Code, through the expenditure of local resources 24668
prior to the school district's eligibility for state assistance 24669
under sections 3318.01 to 3318.20 of the Revised Code and may 24670
apply that expenditure toward meeting the school district's 24671
portion of the basic project cost of the total of the school 24672
district's classroom facilities needs, as determined under 24673
sections 3318.01 to 3318.20 of the Revised Code and as 24674
recalculated under division (E) of this section, that are eligible 24675
for state assistance under sections 3318.01 to 3318.20 of the 24676
Revised Code when the school district becomes eligible for such 24677
state assistance. Any school district that is reasonably expected 24678
to receive assistance under sections 3318.01 to 3318.20 of the 24679
Revised Code within two fiscal years from the date the school 24680
district adopts its resolution under division (B) of this section 24681
shall not be eligible to participate in the program. 24682

(2) To participate in the program, a school district board 24683
shall first adopt a resolution certifying to the commission the 24684
board's intent to participate in the program. 24685

The resolution shall specify the approximate date that the 24686
board intends to seek elector approval of any bond or tax measures 24687
or to apply other local resources to use to pay the cost of 24688
classroom facilities to be constructed under this section. The 24689
resolution may specify the application of local resources or 24690
elector-approved bond or tax measures after the resolution is 24691

adopted by the board, and in such case the board may proceed with 24692
a discrete portion of its project under this section as soon as 24693
the commission and the controlling board have approved the basic 24694
project cost of the district's classroom facilities needs as 24695
specified in division (D) of this section. The board shall submit 24696
its resolution to the commission not later than ten days after the 24697
date the resolution is adopted by the board. 24698

The commission shall not consider any resolution that is 24699
submitted pursuant to division (B)(2) of this section, as amended 24700
by this amendment, sooner than September 14, 2000. 24701

(3) Any project under this section shall comply with section 24702
3318.03 of the Revised Code and with any specifications for plans 24703
and materials for classroom facilities adopted by the commission 24704
under section 3318.04 of the Revised Code. 24705

(4) If a school district that enters into an agreement under 24706
this section has not begun a project applying local resources as 24707
provided for under that agreement at the time the district is 24708
notified by the commission that it is eligible to receive state 24709
assistance under sections 3318.01 to 3318.20 of the Revised Code, 24710
all assessment and agreement documents entered into under this 24711
section are void. 24712

(5) Only construction of or repairs to classroom facilities 24713
that have been approved by the commission and have been therefore 24714
included as part of a district's basic project cost qualify for 24715
application of local resources under this section. 24716

(C) Based on the results of the on-site visits and assessment 24717
conducted under division (B)(2) of this section, the commission 24718
shall determine the basic project cost of the school district's 24719
classroom facilities needs. The commission shall determine the 24720
school district's portion of such basic project cost, which shall 24721
be the greater of: 24722

(1) The required percentage of the basic project costs, 24723
determined based on the school district's percentile ranking; 24724

(2) An amount necessary to raise the school district's net 24725
bonded indebtedness, as of the fiscal year the commission and the 24726
school district enter into the agreement under division (B) of 24727
this section, to within five thousand dollars of the required 24728
level of indebtedness. 24729

(D)(1) When the commission determines the basic project cost 24730
of the classroom facilities needs of a school district and the 24731
school district's portion of that basic project cost under 24732
division (C) of this section, the project shall be conditionally 24733
approved. Such conditional approval shall be submitted to the 24734
controlling board for approval thereof. The controlling board 24735
shall forthwith approve or reject the commission's determination, 24736
conditional approval, and the amount of the state's portion of the 24737
basic project cost; however, no state funds shall be encumbered 24738
under this section. Upon approval by the controlling board, the 24739
school district board may identify a discrete part of its 24740
classroom facilities needs, which shall include only new 24741
construction of or additions or major repairs to a particular 24742
building, to address with local resources. Upon identifying a part 24743
of the school district's basic project cost to address with local 24744
resources, the school district board may allocate any available 24745
school district moneys to pay the cost of that identified part, 24746
including the proceeds of an issuance of bonds if approved by the 24747
electors of the school district. 24748

All local resources utilized under this division shall first 24749
be deposited in the project construction account required under 24750
section 3318.08 of the Revised Code. 24751

(2) Unless the school district board exercises its option 24752
under division (D)(3) of this section, for a school district to 24753
qualify for participation in the program authorized under this 24754

section, one of the following conditions shall be satisfied: 24755

(a) The electors of the school district by a majority vote 24756
shall approve the levy of taxes outside the ten-mill limitation 24757
for a period of twenty-three years at the rate of not less than 24758
one-half mill for each dollar of valuation to be used to pay the 24759
cost of maintaining the classroom facilities included in the basic 24760
project cost as determined by the commission. The form of the 24761
ballot to be used to submit the question whether to approve the 24762
tax required under this division to the electors of the school 24763
district shall be the form for an additional levy of taxes 24764
prescribed in section 3318.361 of the Revised Code, which may be 24765
combined in a single ballot question with the questions prescribed 24766
under section 5705.218 of the Revised Code. 24767

(b) As authorized under division (C) of section 3318.05 of 24768
the Revised Code, the school district board shall earmark from the 24769
proceeds of a permanent improvement tax levied under section 24770
5705.21 of the Revised Code, an amount equivalent to the 24771
additional tax otherwise required under division (D)(2)(a) of this 24772
section for the maintenance of the classroom facilities included 24773
in the basic project cost as determined by the commission. 24774

(c) As authorized under section 3318.051 of the Revised Code, 24775
the school district board shall, if approved by the commission, 24776
annually transfer into the maintenance fund required under section 24777
3318.05 of the Revised Code the amount prescribed in section 24778
3318.051 of the Revised Code in lieu of the tax otherwise required 24779
under division (D)(2)(a) of this section for the maintenance of 24780
the classroom facilities included in the basic project cost as 24781
determined by the commission. 24782

(d) If the school district board has rescinded the agreement 24783
to make transfers under section 3318.051 of the Revised Code, as 24784
provided under division (F) of that section, the electors of the 24785
school district, in accordance with section 3318.063 of the 24786

Revised Code, first shall approve the levy of taxes outside the 24787
ten-mill limitation for the period specified in that section at a 24788
rate of not less than one-half mill for each dollar of valuation. 24789

(e) The school district board shall apply the proceeds of a 24790
tax to leverage bonds as authorized under section 3318.052 of the 24791
Revised Code or dedicate a local donated contribution in the 24792
manner described in division (B) of section 3318.084 of the 24793
Revised Code in an amount equivalent to the additional tax 24794
otherwise required under division (D)(2)(a) of this section for 24795
the maintenance of the classroom facilities included in the basic 24796
project cost as determined by the commission. 24797

(3) A school district board may opt to delay taking any of 24798
the actions described in division (D)(2) of this section until 24799
such time as the school district becomes eligible for state 24800
assistance under sections 3318.01 to 3318.20 of the Revised Code. 24801
In order to exercise this option, the board shall certify to the 24802
commission a resolution indicating the board's intent to do so 24803
prior to entering into an agreement under division (B) of this 24804
section. 24805

(4) If pursuant to division (D)(3) of this section a district 24806
board opts to delay levying an additional tax until the district 24807
becomes eligible for state assistance, it shall submit the 24808
question of levying that tax to the district electors as follows: 24809

(a) In accordance with section 3318.06 of the Revised Code if 24810
it will also be necessary pursuant to division (E) of this section 24811
to submit a proposal for approval of a bond issue; 24812

(b) In accordance with section 3318.361 of the Revised Code 24813
if it is not necessary to also submit a proposal for approval of a 24814
bond issue pursuant to division (E) of this section. 24815

(5) No state assistance under sections 3318.01 to 3318.20 of 24816
the Revised Code shall be released until a school district board 24817

that adopts and certifies a resolution under division (D) of this 24818
section also demonstrates to the satisfaction of the commission 24819
compliance with the provisions of division (D)(2) of this section. 24820

Any amount required for maintenance under division (D)(2) of 24821
this section shall be deposited into a separate fund as specified 24822
in division (B) of section 3318.05 of the Revised Code. 24823

(E)(1) If the school district becomes eligible for state 24824
assistance under sections 3318.01 to 3318.20 of the Revised Code 24825
based on its percentile ranking as determined under division (B) 24826
of this section, the commission shall conduct a new assessment of 24827
the school district's classroom facilities needs and shall 24828
recalculate the basic project cost based on this new assessment. 24829
The basic project cost recalculated under this division shall 24830
include the amount of expenditures made by the school district 24831
board under division (D)(1) of this section. The commission shall 24832
then recalculate the school district's portion of the new basic 24833
project cost, which shall be the percentage of the original basic 24834
project cost assigned to the school district as its portion under 24835
division (C) of this section. The commission shall deduct the 24836
expenditure of school district moneys made under division (D)(1) 24837
of this section from the school district's portion of the basic 24838
project cost as recalculated under this division. If the amount of 24839
school district resources applied by the school district board to 24840
the school district's portion of the basic project cost under this 24841
section is less than the total amount of such portion as 24842
recalculated under this division, the school district board by a 24843
majority vote of all of its members shall, if it desires to seek 24844
state assistance under sections 3318.01 to 3318.20 of the Revised 24845
Code, adopt a resolution as specified in section 3318.06 of the 24846
Revised Code to submit to the electors of the school district the 24847
question of approval of a bond issue in order to pay any 24848
additional amount of school district portion required for state 24849

assistance. Any tax levy approved under division (D) of this 24850
section satisfies the requirements to levy the additional tax 24851
under section 3318.06 of the Revised Code. 24852

(2) If the amount of school district resources applied by the 24853
school district board to the school district's portion of the 24854
basic project cost under this section is more than the total 24855
amount of such portion as recalculated under this division, within 24856
one year after the school district's portion is recalculated under 24857
division (E)(1) of this section the commission may grant to the 24858
school district the difference between the two calculated 24859
portions, but at no time shall the commission expend any state 24860
funds on a project in an amount greater than the state's portion 24861
of the basic project cost as recalculated under this division. 24862

Any reimbursement under this division shall be only for local 24863
resources the school district has applied toward construction cost 24864
expenditures for the classroom facilities approved by the 24865
commission, which shall not include any financing costs associated 24866
with that construction. 24867

The school district board shall use any moneys reimbursed to 24868
the district under this division to pay off any debt service the 24869
district owes for classroom facilities constructed under its 24870
project under this section before such moneys are applied to any 24871
other purpose. However, the district board first may deposit 24872
moneys reimbursed under this division into the district's general 24873
fund or a permanent improvement fund to replace local resources 24874
the district withdrew from those funds, as long as, and to the 24875
extent that, those local resources were used by the district for 24876
constructing classroom facilities included in the district's basic 24877
project cost. 24878

(F) If a school district has entered into an agreement with 24879
the commission under this section and the electors of the district 24880
have approved a bond issue to pay the district's portion of the 24881

basic project cost, the district shall not be ranked in a higher 24882
percentile under section 3318.011 of the Revised Code than the 24883
percentile in which the district was ranked on the date that the 24884
bond issue was approved, regardless of the district's three-year 24885
average adjusted valuation per pupil calculated under that section 24886
for any subsequent fiscal year. 24887

Sec. 3318.47. (A) On the effective date of this section, the 24888
director of budget and management shall transfer any amount on 24889
hand in the fund established under former section 3318.47 of the 24890
Revised Code, as that section existed prior to the effective date 24891
of this section, into the fund established under section 3318.15 24892
of the Revised Code. 24893

(B) On or after the effective date of this section, any 24894
amounts received from school districts in repayment of loans made 24895
under former sections 3318.47 to 3318.49, as those sections 24896
existed prior to the effective date of this section, shall be 24897
deposited into the fund established under section 3318.15 of the 24898
Revised Code. 24899

Sec. 3319.55. (A) A grant program is hereby established to 24900
recognize and reward teachers in public and chartered nonpublic 24901
schools who hold valid teaching certificates or licenses issued by 24902
the national board for professional teaching standards. The 24903
superintendent of public instruction shall administer this program 24904
in accordance with this section and rules which the state board of 24905
education shall adopt in accordance with Chapter 119. of the 24906
Revised Code. 24907

In each fiscal year that the general assembly appropriates 24908
funds for purposes of this section, the superintendent of public 24909
instruction shall award a grant to each person who, by the first 24910
day of April of that year and in accordance with the rules adopted 24911

under this section, submits to the superintendent evidence 24912
indicating ~~all~~ both of the following: 24913

(1) The person holds a valid certificate or license issued by 24914
the national board for professional teaching standards; 24915

(2) The person has been employed full-time as a teacher by 24916
the board of education of a school district or by a chartered 24917
nonpublic school in this state during the current school year; 24918

~~(3) The date the person was accepted into the national board 24919
certification or licensure program. 24920~~

An individual may receive a grant under this section in each 24921
fiscal year the person is eligible for a grant and submits 24922
evidence of that eligibility in accordance with this section. No 24923
person may receive a grant after the expiration of the person's 24924
initial certification or license issued by the national board. 24925

(B) The amount of the grant awarded to each eligible person 24926
under division (A) of this section in any fiscal year shall equal 24927
~~the following: 24928~~

~~(1) Two two thousand five hundred dollars for any teacher 24929
accepted as a candidate for certification or licensure by the 24930
national board on or before May 31, 2003, and issued a certificate 24931
or license by the national board on or before December 31, 2004; 24932~~

~~(2) One thousand dollars for any other teacher issued a 24933
certificate or license by the national board. 24934~~

~~However.~~ However, if the funds appropriated for purposes of 24935
this section in any fiscal year are not sufficient to award the 24936
full grant amount to each person who is eligible in that fiscal 24937
year, the superintendent shall prorate the amount of the grant 24938
awarded in that fiscal year to each eligible person. 24939

Sec. 3323.01. As used in this chapter and Chapter 3321. of 24940
the Revised Code: 24941

(A) "Handicapped child" means a person under twenty-two years of age who is developmentally handicapped, hearing handicapped, speech handicapped, visually disabled, severe behavior handicapped, orthopedically handicapped, multihandicapped, other health handicapped, specific learning disabled, autistic, or traumatic brain injured, and by reason thereof requires special education. 24942
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(B) "Special education program" means the required related services and instruction specifically designed to meet the unique needs of a handicapped child, including classroom instruction, home instruction, and instruction in hospitals and institutions and in other settings. 24949
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(C) "Related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a handicapped child to benefit from special education, including the early identification and assessment of handicapped conditions in children, speech pathology and audiology, psychological services, occupational and physical therapy, physical education, recreation, counseling services including rehabilitative counseling, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only. 24954
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(D) "Appropriate public education" means special education and related services that: 24964
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(1) Are provided at public expense and under public supervision; 24966
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(2) Meet the standards of the state board of education; 24968

(3) Include an appropriate preschool, elementary, or secondary education; 24969
24970

(4) Are provided in conformity with the individualized education program required under this chapter. 24971
24972

(E) "Individualized education program" means a written	24973
statement for each handicapped child designed to meet the unique	24974
needs of a handicapped child, which statement shall include:	24975
(1) A statement of the present levels of educational	24976
performance of such child;	24977
(2) A statement of annual goals, including short-term	24978
instructional objectives;	24979
(3) A statement of the specific educational services to be	24980
provided to such child, and the extent to which such child will be	24981
able to participate in regular educational programs;	24982
(4) A statement of the transition services needed for such	24983
child beginning no later than age sixteen and annually thereafter	24984
(and, when determined appropriate for such child, beginning at age	24985
fourteen or younger), including, when appropriate, a statement of	24986
the interagency responsibilities and linkages before the student	24987
leaves the school setting;	24988
(5) The projected date for initiation and anticipated	24989
duration of such services;	24990
(6) Appropriate objective criteria and evaluation procedures	24991
and schedules for determining, on at least an annual basis,	24992
whether instructional objectives are being achieved, and whether	24993
current placement is appropriate.	24994
(F) "Other educational agency" means a department, division,	24995
bureau, office, institution, board, commission, committee,	24996
authority, or other state or local agency, other than a school	24997
district or an agency administered by the department of mental	24998
retardation and developmental disabilities, that provides or seeks	24999
to provide special education or related services to handicapped	25000
children.	25001
(G) "School district" means a city, local, or exempted	25002

village school district. 25003

(H) "Parents" means either parent. If the parents are 25004
separated or divorced, "parent" means the parent who is the 25005
residential parent and legal custodian of the handicapped child. 25006
Except as used in division (I) of this section and in sections 25007
3323.09 and 3323.141 of the Revised Code, "parents" includes a 25008
child's guardian or custodian. This definition does not apply to 25009
Chapter 3321. of the Revised Code. 25010

(I) As used in sections 3323.09, 3323.091, 3323.13, and 25011
3323.14 of the Revised Code, "school district of residence" means: 25012

(1) The school district in which the child's parents reside; 25013

(2) If the school district specified in division (I)(1) of 25014
this section cannot be determined, the last school district in 25015
which the child's parents are known to have resided if the 25016
parents' whereabouts are unknown; 25017

(3) If the school district specified in division (I)(2) of 25018
this section cannot be determined, the school district determined 25019
~~by the court~~ under section 2151.362 of the Revised Code, or if no 25020
district has been so determined, the school district as determined 25021
by the probate court of the county in which the child resides. The 25022
school district of residence that had been established under this 25023
section on December 12, 1983, shall remain the child's school 25024
district of residence unless a district of residence can be 25025
determined under division (I)(1) or (2) of this section. 25026

(4) Notwithstanding divisions (I)(1) to (3) of this section, 25027
if a school district is required by section 3313.65 of the Revised 25028
Code to pay tuition for a child, that district shall be the 25029
child's school district of residence. 25030

(J) "County MR/DD board" means a county board of mental 25031
retardation and developmental disabilities. 25032

(K) "Handicapped preschool child" means a handicapped child 25033
who is at least three years of age but is not of compulsory school 25034
age, as defined under section 3321.01 of the Revised Code, and who 25035
is not currently enrolled in kindergarten. 25036

(L) "Transition services" means a coordinated set of 25037
activities for a student, designed within an outcome-oriented 25038
process, that: 25039

(1) Promotes movement from school to post-school activities, 25040
including post-secondary education; vocational training; 25041
integrated employment, including supported employment; continuing 25042
and adult education; adult services; independent living; and 25043
community participation; 25044

(2) Is based upon the individual student's needs, including 25045
taking into account the student's preferences and interests; 25046

(3) Includes instruction, community experiences, the 25047
development of employment and other post-school adult living 25048
objectives, and, when appropriate, acquisition of daily living 25049
skills and functional vocational evaluation. 25050

(M) "Visual disability" for any individual means that one of 25051
the following applies to the individual: 25052

(1) The individual has a visual acuity of 20/200 or less in 25053
the better eye with correcting lenses or has a limited field of 25054
vision in the better eye such that the widest diameter subtends an 25055
angular distance of no greater than twenty degrees. 25056

(2) The individual has a medically indicated expectation of 25057
meeting the requirements of division (M)(1) of this section over a 25058
period of time. 25059

(3) The individual has a medically diagnosed and medically 25060
uncorrectable limitation in visual functioning that adversely 25061
affects the individual's ability to read and write standard print 25062

at levels expected of the individual's peers of comparable ability 25063
and grade level. 25064

(N) "Student with a visual disability" means any person under 25065
twenty-two years of age who has a visual disability. 25066

(O) "Instruction in braille reading and writing" means the 25067
teaching of the system of reading and writing through touch 25068
commonly known as standard English braille. 25069

Sec. 3323.11. Teachers in education programs under this 25070
chapter shall possess the usual qualifications required of ~~special~~ 25071
~~education teachers~~ intervention specialists in the public schools. 25072

Sec. 3327.05. (A) Except as provided in division (B) of this 25073
section, no board of education of any school district shall 25074
provide transportation for any pupil who is a school resident of 25075
another school district unless the pupil is enrolled pursuant to 25076
section 3313.98 of the Revised Code or the board of the other 25077
district has given its written consent thereto. If the board of 25078
any school district files with the state board of education a 25079
written complaint that transportation for resident pupils is being 25080
provided by the board of another school district contrary to this 25081
division, the state board of education shall make an investigation 25082
of such complaint. If the state board of education finds that 25083
transportation is being provided contrary to this section, it may 25084
withdraw from state funds due the offending district any part of 25085
the amount that has been approved for transportation pursuant to 25086
division (D) of section 3317.022 of the Revised Code. 25087

(B) Notwithstanding division (D) of section 3311.19 and 25088
division (D) of section 3311.52 of the Revised Code, this division 25089
does not apply to any joint vocational or cooperative education 25090
school district. 25091

A board of education may provide transportation to and from 25092

the nonpublic ~~high~~ school of attendance if both of the following 25093
apply: 25094

(1) The parent, guardian, or other person in charge of the 25095
pupil agrees to pay the board for all costs incurred in providing 25096
the transportation that are not reimbursed pursuant to Chapter 25097
3317. of the Revised Code; 25098

(2) The pupil's school district of residence does not provide 25099
transportation for public school pupils of the same grade as the 25100
pupil being transported under this division, or that district is 25101
not required under section 3327.01 of the Revised Code to 25102
transport the pupil to and from the nonpublic school because the 25103
direct travel time to the nonpublic school is more than thirty 25104
minutes. 25105

Upon receipt of the request to provide transportation, the 25106
board shall review the request and determine whether the board 25107
will accommodate the request. If the board agrees to transport the 25108
pupil, the board may transport the pupil to and from the nonpublic 25109
school and a collection point in the district, as determined by 25110
the board. If the board transports the pupil, the board may 25111
include the pupil in the district's transportation ADM reported to 25112
the department of education under section 3317.03 of the Revised 25113
Code and, accordingly, may receive a state payment under division 25114
(D) of section 3317.022 of the Revised Code for transporting the 25115
pupil. 25116

If the board declines to transport the pupil, the board, in a 25117
written communication to the parent, guardian, or other person in 25118
charge of the pupil, shall state the reasons for declining the 25119
request. 25120

Sec. 3327.17. The department of development shall establish a 25121
biodiesel school bus program under which the director of 25122
development shall make grants to school districts that use 25123

biodiesel fuel for pupil transportation to help offset incremental 25124
costs incurred by using biodiesel instead of one hundred per cent 25125
petroleum diesel. 25126

As used in this section, "biodiesel" has the same meaning as 25127
in section 122.075 of the Revised Code. 25128

Sec. 3333.04. The Ohio board of regents shall: 25129

(A) Make studies of state policy in the field of higher 25130
education and formulate a master plan for higher education for the 25131
state, considering the needs of the people, the needs of the 25132
state, and the role of individual public and private institutions 25133
within the state in fulfilling these needs; 25134

(B)(1) Report annually to the governor and the general 25135
assembly on the findings from its studies and the master plan for 25136
higher education for the state; 25137

(2) Report at least semiannually to the general assembly and 25138
the governor the enrollment numbers at each state-assisted 25139
institution of higher education. 25140

(C) Approve or disapprove the establishment of new branches 25141
or academic centers of state colleges and universities; 25142

(D) Approve or disapprove the establishment of state 25143
technical colleges or any other state institution of higher 25144
education; 25145

(E) Recommend the nature of the programs, undergraduate, 25146
graduate, professional, state-financed research, and public 25147
services which should be offered by the state colleges, 25148
universities, and other state-assisted institutions of higher 25149
education in order to utilize to the best advantage their 25150
facilities and personnel; 25151

(F) Recommend to the state colleges, universities, and other 25152
state-assisted institutions of higher education graduate or 25153

professional programs, including, but not limited to, doctor of 25154
philosophy, doctor of education, and juris doctor programs, that 25155
could be eliminated because they constitute unnecessary 25156
duplication, as shall be determined using the process developed 25157
pursuant to this section, or for other good and sufficient cause. 25158
For purposes of determining the amounts of any state instructional 25159
subsidies paid to these colleges, universities, and institutions, 25160
the board may exclude students enrolled in any program that the 25161
board has recommended for elimination pursuant to this division 25162
except that the board shall not exclude any such student who 25163
enrolled in the program prior to the date on which the board 25164
initially commences to exclude students under this division. The 25165
board of regents and these colleges, universities, and 25166
institutions shall jointly develop a process for determining which 25167
existing graduate or professional programs constitute unnecessary 25168
duplication. 25169

(G) Recommend to the state colleges, universities, and other 25170
state-assisted institutions of higher education programs which 25171
should be added to their present programs; 25172

(H) Conduct studies for the state colleges, universities, and 25173
other state-assisted institutions of higher education to assist 25174
them in making the best and most efficient use of their existing 25175
facilities and personnel; 25176

(I) Make recommendations to the governor and general assembly 25177
concerning the development of state-financed capital plans for 25178
higher education; the establishment of new state colleges, 25179
universities, and other state-assisted institutions of higher 25180
education; and the establishment of new programs at the existing 25181
state colleges, universities, and other institutions of higher 25182
education; 25183

(J) Review the appropriation requests of the public community 25184
colleges and the state colleges and universities and submit to the 25185

office of budget and management and to the chairpersons of the 25186
finance committees of the house of representatives and of the 25187
senate its recommendations in regard to the biennial higher 25188
education appropriation for the state, including appropriations 25189
for the individual state colleges and universities and public 25190
community colleges. For the purpose of determining the amounts of 25191
instructional subsidies to be paid to state-assisted colleges and 25192
universities, the board shall define "full-time equivalent 25193
student" by program per academic year. The definition may take 25194
into account the establishment of minimum enrollment levels in 25195
technical education programs below which support allowances will 25196
not be paid. Except as otherwise provided in this section, the 25197
board shall make no change in the definition of "full-time 25198
equivalent student" in effect on November 15, 1981, which would 25199
increase or decrease the number of subsidy-eligible full-time 25200
equivalent students, without first submitting a fiscal impact 25201
statement to the president of the senate, the speaker of the house 25202
of representatives, the legislative service commission, and the 25203
director of budget and management. The board shall work in close 25204
cooperation with the director of budget and management in this 25205
respect and in all other matters concerning the expenditures of 25206
appropriated funds by state colleges, universities, and other 25207
institutions of higher education. 25208

(K) Seek the cooperation and advice of the officers and 25209
trustees of both public and private colleges, universities, and 25210
other institutions of higher education in the state in performing 25211
its duties and making its plans, studies, and recommendations; 25212

(L) Appoint advisory committees consisting of persons 25213
associated with public or private secondary schools, members of 25214
the state board of education, or personnel of the state department 25215
of education; 25216

(M) Appoint advisory committees consisting of college and 25217

university personnel, or other persons knowledgeable in the field 25218
of higher education, or both, in order to obtain their advice and 25219
assistance in defining and suggesting solutions for the problems 25220
and needs of higher education in this state; 25221

(N) Approve or disapprove all new degrees and new degree 25222
programs at all state colleges, universities, and other 25223
state-assisted institutions of higher education; 25224

(O) Adopt such rules as are necessary to carry out its duties 25225
and responsibilities; 25226

(P) Establish and submit to the governor and the general 25227
assembly a clear and measurable set of goals and timetables for 25228
their achievement for each program under the supervision of the 25229
board that is designed to accomplish any of the following: 25230

(1) Increased access to higher education; 25231

(2) Job training; 25232

(3) Adult literacy; 25233

(4) Research; 25234

(5) Excellence in higher education; 25235

(6) Reduction in the number of graduate programs within the 25236
same subject area. 25237

In July of each odd-numbered year, the board of regents shall 25238
submit to the governor and the general assembly a report on 25239
progress made toward these goals. 25240

(Q) Make recommendations to the governor and the general 25241
assembly regarding the design and funding of the student financial 25242
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 25243
3333.27, and 5910.02 of the Revised Code; 25244

(R) Participate in education-related state or federal 25245
programs on behalf of the state and assume responsibility for the 25246

administration of such programs in accordance with applicable state or federal law;	25247 25248
(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;	25249 25250 25251 25252 25253
(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;	25254 25255 25256
(U) Conduct enrollment audits of state-supported institutions of higher education;	25257 25258
(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.	25259 25260 25261 25262 25263 25264 25265 25266 25267 25268 25269
Sec. 3333.122. (A) As used in this section:	25270
(1) "Eligible student" means a student who is:	25271
(a) An Ohio resident who first enrolls in an undergraduate program in the 2006-2007 academic year or thereafter;	25272 25273
(b) Enrolled <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:	25274 25275 25276

(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.

(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.

(c) If the student first enrolled in an undergraduate program after the 2007-2008 academic year, the student is enrolled in either of the following:

(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 board of regents pursuant to Chapter 1713. of the Revised Code, 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;

(ii) An 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 and has a certificate of authorization from the board 25309
of regents pursuant to Chapter 1713. of the Revised Code. 25310

(2) A student who participated in either the early college 25311
high school program administered by the department of education or 25312
in the post-secondary enrollment options program pursuant to 25313
Chapter 3365. of the Revised Code before the 2006-2007 academic 25314
year shall not be excluded from eligibility for a ~~need-based~~ 25315
needs-based financial aid grant under this section. 25316

(3) "Resident," "expected family contribution" or "EFC," 25317
"full-time student," "three-quarters-time student," "half-time 25318
student," "one-quarter-time student," and "accredited" shall be 25319
defined by rules adopted by the board. 25320

(B) The Ohio board of regents shall establish and administer 25321
a needs-based financial aid program based on the United States 25322
department of education's method of determining financial need and 25323
may adopt rules to carry out this section. The program shall be 25324
known as the Ohio college opportunity grant program. The general 25325
assembly shall support the needs-based financial aid program by 25326
such sums and in such manner as it may provide, but the board may 25327
also receive funds from other sources to support the program. If 25328
the amounts available for support of the program are inadequate to 25329
provide grants to all eligible students, preference in the payment 25330
of grants shall be given in terms of expected family contribution, 25331
beginning with the lowest expected family contribution category 25332
and proceeding upward by category to the highest expected family 25333
contribution category. 25334

A needs-based financial aid grant shall be paid to an 25335
eligible student through the institution in which the student is 25336
enrolled, except that no needs-based financial aid grant shall be 25337
paid to any person serving a term of imprisonment. Applications 25338
for such grants shall be made as prescribed by the board, and such 25339
applications may be made in conjunction with and upon the basis of 25340

information provided in conjunction with student assistance 25341
programs funded by agencies of the United States government or 25342
from financial resources of the institution of higher education. 25343
The institution shall certify that the student applicant meets the 25344
requirements set forth in divisions (A)(1)(a) and (b) of this 25345
section. Needs-based financial aid grants shall be provided to an 25346
eligible student only as long as the student is making appropriate 25347
progress toward a nursing diploma or an associate or bachelor's 25348
degree. No student shall be eligible to receive a grant for more 25349
than ten semesters, fifteen quarters, or the equivalent of five 25350
academic years. A grant made to an eligible student on the basis 25351
of less than full-time enrollment shall be based on the number of 25352
credit hours for which the student is enrolled and shall be 25353
computed in accordance with a formula adopted by the board. No 25354
student shall receive more than one grant on the basis of less 25355
than full-time enrollment. 25356

A needs-based financial aid grant shall not exceed the total 25357
instructional and general charges of the institution. 25358

(C) The tables in this division prescribe the maximum grant 25359
amounts covering two semesters, three quarters, or a comparable 25360
portion of one academic year. Grant amounts for additional terms 25361
in the same academic year shall be determined under division (D) 25362
of this section. 25363

As used in the tables in division (C) of this section: 25364

(1) "Private institution" means an institution that is 25365
nonprofit and has a certificate of authorization from the Ohio 25366
board of regents pursuant to Chapter 1713. of the Revised Code. 25367

(2) "Career college" means either an institution that holds a 25368
certificate of registration from the state board of career 25369
colleges and schools or a private institution exempt from 25370
regulation under Chapter 3332. of the Revised Code as prescribed 25371

in section 3333.046 of the Revised Code. 25372

Full-time students shall be eligible to receive awards 25373

according to the following table: 25374

Full-Time Enrollment 25375

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	25377
2,001	2,100	402	798	642	25378
1,901	2,000	498	1,002	798	25379
1,801	1,900	600	1,200	960	25380
1,701	1,800	702	1,398	1,122	25381
1,601	1,700	798	1,602	1,278	25382
1,501	1,600	900	1,800	1,440	25383
1,401	1,500	1,002	1,998	1,602	25384
1,301	1,400	1,098	2,202	1,758	25385
1,201	1,300	1,200	2,400	1,920	25386
1,101	1,200	1,302	2,598	2,082	25387
1,001	1,100	1,398	2,802	2,238	25388
901	1,000	1,500	3,000	2,400	25389
801	900	1,602	3,198	2,562	25390
701	800	1,698	3,402	2,718	25391
601	700	1,800	3,600	2,280	25392
501	600	1,902	3,798	3,042	25393
401	500	1,998	4,002	3,198	25394
301	400	2,100	4,200	3,360	25395
201	300	2,202	4,398	3,522	25396

101	200	2,298	4,602	3,678	25397
1	100	2,400	4,800	3,840	25398
0	0	2,496	4,992	3,996	25399

Three-quarters-time students shall be eligible to receive 25400
awards according to the following table: 25401

Three-Quarters-Time Enrollment 25402

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	25404
2,001	2,100	300	600	480	25405
1,901	2,000	372	750	600	25406
1,801	1,900	450	900	720	25407
1,701	1,800	528	1,050	840	25408
1,601	1,700	600	1,200	960	25409
1,501	1,600	678	1,350	1,080	25410
1,401	1,500	750	1,500	1,200	25411
1,301	1,400	822	1,650	1,320	25412
1,201	1,300	900	1,800	1,440	25413
1,101	1,200	978	1,950	1,560	25414
1,001	1,100	1,050	2,100	1,680	25415
901	1,000	1,128	2,250	1,800	25416
801	900	1,200	2,400	1,920	25417
701	800	1,272	2,550	2,040	25418
601	700	1,350	2,700	2,160	25419
501	600	1,428	2,850	2,280	25420
401	500	1,500	3,000	2,400	25421
301	400	1,578	3,150	2,520	25422

201	300	1,650	3,300	2,640	25423
101	200	1,722	3,450	2,760	25424
1	100	1,800	3,600	2,880	25425
0	0	1,872	3,744	3,000	25426

Half-time students shall be eligible to receive awards 25427
according to the following table: 25428

Half-Time Enrollment 25429

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:	25430
\$2,101	\$2,190	\$150	\$300	\$240	25431
2,001	2,100	204	402	324	25432
1,901	2,000	252	504	402	25433
1,801	1,900	300	600	480	25434
1,701	1,800	354	702	564	25435
1,601	1,700	402	804	642	25436
1,501	1,600	450	900	720	25437
1,401	1,500	504	1,002	804	25438
1,301	1,400	552	1,104	882	25439
1,201	1,300	600	1,200	960	25440
1,101	1,200	654	1,302	1,044	25441
1,001	1,100	702	1,404	1,122	25442
901	1,000	750	1,500	1,200	25443
801	900	804	1,602	1,284	25444
701	800	852	1,704	1,362	25445
601	700	900	1,800	1,440	25446
501	600	954	1,902	1,524	25447
401	500	1,002	2,004	1,602	25448

301	400	1,050	2,100	1,680	25449
201	300	1,104	2,202	1,764	25450
101	200	1,152	2,304	1,842	25451
1	100	1,200	2,400	1,920	25452
0	0	1,248	2,496	1,998	25453

One-quarter-time students shall be eligible to receive awards 25454
according to the following table: 25455

One-Quarter-Time Enrollment 25456

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:	25457
\$2,101	\$2,190	\$78	\$150	\$120	25458
2,001	2,100	102	198	162	25459
1,901	2,000	126	252	198	25460
1,801	1,900	150	300	240	25461
1,701	1,800	174	348	282	25462
1,601	1,700	198	402	318	25463
1,501	1,600	228	450	360	25464
1,401	1,500	252	498	402	25465
1,301	1,400	276	552	438	25466
1,201	1,300	300	600	480	25467
1,101	1,200	324	648	522	25468
1,001	1,100	348	702	558	25469
901	1,000	378	750	600	25470
801	900	402	798	642	25471
701	800	426	852	678	25472
601	700	450	900	720	25473
501	600	474	948	762	25474

401	500	498	1,002	798	25475
301	400	528	1,050	840	25476
201	300	552	1,098	882	25477
101	200	576	1,152	918	25478
1	100	600	1,200	960	25479
0	0	624	1,248	1,002	25480

(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.

(2) Division (F)(1) of this section does not apply to the following:

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial

aid and the United States secretary of education determines its 25507
cohort default rate after recalculation is lower than the rate 25508
specified in division (F)(1) of this section or the secretary 25509
determines due to mitigating circumstances the institution may 25510
continue to participate in federal financial aid programs. The 25511
board shall adopt rules requiring institutions to provide 25512
information regarding an appeal to the board. 25513

(b) Any student who has previously received a grant under 25514
this section who meets all other requirements of this section. 25515

(3) The board shall adopt rules for the notification of all 25516
institutions whose students will be ineligible to participate in 25517
the grant program pursuant to division (F)(1) of this section. 25518

(4) A student's attendance at an institution whose students 25519
lose eligibility for grants under division (F)(1) of this section 25520
shall not affect that student's eligibility to receive a grant 25521
when enrolled in another institution. 25522

(G) Institutions of higher education that enroll students 25523
receiving needs-based financial aid grants under this section 25524
shall report to the board all students who have received 25525
needs-based financial aid grants but are no longer eligible for 25526
all or part of such grants and shall refund any moneys due the 25527
state within thirty days after the beginning of the quarter or 25528
term immediately following the quarter or term in which the 25529
student was no longer eligible to receive all or part of the 25530
student's grant. There shall be an interest charge of one per cent 25531
per month on all moneys due and payable after such thirty-day 25532
period. The board shall immediately notify the office of budget 25533
and management and the legislative service commission of all 25534
refunds so received. 25535

Sec. 3333.201. The chancellor of the Ohio board of regents 25536
shall require any college or university that offers classes at a 25537

technical college that is co-located with a university branch to 25538
pay a share of the facility maintenance cost based proportionally 25539
on the number of students enrolled in classes offered by that 25540
college or university. 25541

Sec. 3333.38. (A) As used in this section: 25542

(1) "Institution of higher education" includes all of the 25543
following: 25544

(a) A state institution of higher education, as defined in 25545
section 3345.011 of the Revised Code; 25546

(b) A nonprofit institution issued a certificate of 25547
authorization by the Ohio board of regents under Chapter 1713. of 25548
the Revised Code; 25549

(c) A private institution exempt from regulation under 25550
Chapter 3332. of the Revised Code, as prescribed in section 25551
3333.046 of the Revised Code; 25552

(d) An institution of higher education with a certificate of 25553
registration from the state board of career colleges and schools 25554
under Chapter 3332. of the Revised Code. 25555

(2) "Student financial assistance supported by state funds" 25556
includes assistance granted under sections 3315.33, 3333.12, 25557
3333.122, 3333.21, 3333.26, 3333.27, 3333.28, ~~3333.29~~, 3333.372, 25558
5910.03, 5910.032, and 5919.34 of the Revised Code or financed by 25559
an award under the choose Ohio first scholarship program 25560
established under section 3333.61 of the Revised Code and any 25561
other post-secondary student financial assistance supported by 25562
state funds. 25563

(B) An individual who is convicted of, pleads guilty to, or 25564
is adjudicated a delinquent child for one of the following 25565
violations shall be ineligible to receive any student financial 25566
assistance supported by state funds at an institution of higher 25567

education for two calendar years from the time the individual 25568
applies for assistance of that nature: 25569

(1) A violation of section 2917.02 or 2917.03 of the Revised 25570
Code; 25571

(2) A violation of section 2917.04 of the Revised Code that 25572
is a misdemeanor of the fourth degree; 25573

(3) A violation of section 2917.13 of the Revised Code that 25574
is a misdemeanor of the fourth or first degree and occurs within 25575
the proximate area where four or more others are acting in a 25576
course of conduct in violation of section 2917.11 of the Revised 25577
Code. 25578

(C) If an individual is convicted of, pleads guilty to, or is 25579
adjudicated a delinquent child for committing a violation of 25580
section 2917.02 or 2917.03 of the Revised Code, and if the 25581
individual is enrolled in a state-supported institution of higher 25582
education, the institution in which the individual is enrolled 25583
shall immediately dismiss the individual. No state-supported 25584
institution of higher education shall admit an individual of that 25585
nature for one academic year after the individual applies for 25586
admission to a state-supported institution of higher education. 25587
This division does not limit or affect the ability of a 25588
state-supported institution of higher education to suspend or 25589
otherwise discipline its students. 25590

Sec. 3333.50. The Ohio board of regents, in consultation with 25591
the governor and the department of development, shall develop a 25592
critical needs rapid response system to respond quickly to 25593
critical workforce shortages in the state. Not later than ninety 25594
days after a critical workforce shortage is identified, the 25595
chancellor of the board shall submit to the governor a proposal 25596
for addressing the shortage through initiatives of the board or 25597
institutions of higher education. 25598

Sec. 3333.55. (A) The health information and imaging 25599
technology workforce development pilot project is hereby 25600
established. Under the project, in fiscal years 2008 through 2010, 25601
the Ohio board of regents shall design and implement a three-year 25602
pilot program to test, in the vicinity of Clark, Greene, and 25603
Montgomery counties, how a P-16 public-private education and 25604
workforce development collaborative may address each of the 25605
following goals: 25606

(1) Increase the number of students taking and mastering 25607
high-level science, technology, engineering, or mathematics 25608
courses and pursuing careers in those subjects, in all demographic 25609
regions of the state; 25610

(2) Increase the number of students pursuing professional 25611
careers in health information and imaging technology upon 25612
receiving related technical education and professional experience, 25613
in all demographic regions of the state; 25614

(3) Unify efforts among schools, career centers, 25615
post-secondary programs, and employers in a region for career and 25616
workforce development, preservation, and public education. 25617

(B) The project shall focus on enhancing P-16 education and 25618
workforce development in the field of health information and 25619
imaging technology through such activities as increased academic 25620
intervention in related areas of study, after-school and summer 25621
intervention programs, tutoring, career and job fairs and other 25622
promotional and recruitment activities, externships, professional 25623
development, field trips, academic competitions, development of 25624
related specialized study modules, development of honors programs, 25625
and development and enhancement of dual high school and college 25626
enrollment programs. 25627

(C) Project participants shall include Clark-Shawnee local 25628
school district, Springfield city school district, Greene county 25629

career center, Clark state community college, Central state university, Wright state university, Cedarville university, Wittenberg university, the university of Dayton, and private employers in the health information and imaging technology industry in the vicinity of Clark, Greene, and Montgomery counties, selected by the board of regents. 25630
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For the third year of the project, the board of regents may add as participants the Dayton city school district and Xenia city school district. 25636
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(D) Wittenberg university shall be the lead coordinating agent and Clark state community college shall be the fiscal agent for the project. 25639
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(E) The board of regents shall create an advisory council made up of representatives of the participating entities to coordinate, monitor, and evaluate the project. The advisory council shall submit an annual activity report to the board of regents by a date specified by the board of regents. 25642
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Sec. 3333.60. As used in sections 3333.61 to 3333.70 of the Revised Code: 25647
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(A) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 25649
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(B) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 25651
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Sec. 3333.61. The chancellor of the Ohio board of regents shall establish and administer the Ohio innovation partnership, which shall consist of the choose Ohio first scholarship program and the Ohio research scholars program. Under the programs, the chancellor, subject to approval by the controlling board, shall award grants to state universities or colleges for programs and initiatives that recruit students and scientists in the fields of 25653
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science, technology, engineering, mathematics, and medicine to 25660
state universities or colleges, in order to enhance regional 25661
educational and economic strengths and meet the needs of the 25662
state's regional economies. Grants may be awarded for programs and 25663
initiatives to be implemented by a state university or college 25664
alone or in collaboration with other state institutions of higher 25665
education, nonpublic Ohio universities and colleges, or other 25666
public or private Ohio entities. 25667

The choose Ohio first scholarship program shall award grants 25668
to state universities and colleges to establish scholarships, 25669
fellowships, grants, or other monetary or nonmonetary incentives 25670
to recruit Ohio residents as undergraduate or graduate students in 25671
the fields of science, technology, engineering, mathematics, and 25672
medicine, or in science, technology, engineering, mathematics, or 25673
medical education. Each state university or college receiving a 25674
grant under the choose Ohio first scholarship program shall award 25675
one hundred per cent of the grant amount in the form of 25676
scholarships, fellowships, grants, or other monetary or 25677
nonmonetary incentives to students, and shall not use any amount 25678
of the grant for administration. 25679

The Ohio research scholars program shall award grants to be 25680
deposited into new or existing endowment funds of state 25681
universities and colleges for use in recruiting scientists to 25682
their faculties. 25683

The chancellor shall adopt rules in accordance with Chapter 25684
119. of the Revised Code to administer the programs. 25685

Sec. 3333.62. The chancellor of the Ohio board of regents 25686
shall establish a competitive process for making awards under the 25687
choose Ohio first scholarship program and the Ohio research 25688
scholars program. The chancellor, on completion of that process, 25689
shall make a recommendation to the controlling board asking for 25690

approval to award each grant selected by the chancellor. 25691

Any state university or college may apply for one or more 25692
awards under one or both programs. Each university or college 25693
shall submit a proposal and other documentation required by the 25694
chancellor, in the form and manner prescribed by the chancellor, 25695
for each award it seeks. A proposal may propose an initiative to 25696
be implemented solely by the state university or college or in 25697
collaboration with other state institutions of higher education, 25698
nonpublic Ohio universities or colleges, or other public or 25699
nonpublic Ohio entities. A single proposal may seek an award under 25700
one or both programs. 25701

The chancellor shall determine which proposals will receive 25702
awards each fiscal year, and the amount of each award, on the 25703
basis of the merit of each proposal, which the chancellor, subject 25704
to approval by the controlling board, shall determine based on one 25705
or more of the following criteria: 25706

(A) The quality of the program that is the subject of the 25707
proposal and the extent to which additional resources will enhance 25708
its quality; 25709

(B) The extent to which the proposal is integrated with the 25710
strengths of the regional economy; 25711

(C) The extent to which the proposal is integrated with 25712
centers of research excellence within the private sector; 25713

(D) The amount of other institutional, public, or private 25714
resources, whether monetary or nonmonetary, that the proposal 25715
pledges to leverage; 25716

(E) The extent to which the proposal is collaborative with 25717
other public or nonpublic Ohio institutions of higher education; 25718

(F) The extent to which the proposal is integrated with the 25719
university's or college's mission and does not displace existing 25720

<u>resources already committed to the mission;</u>	25721
<u>(G) The extent to which the proposal facilitates a more</u>	25722
<u>efficient utilization of existing faculty and programs;</u>	25723
<u>(H) The extent to which the proposal meets a statewide</u>	25724
<u>educational need;</u>	25725
<u>(I) The demonstrated productivity or future capacity of the</u>	25726
<u>students or scientists to be recruited;</u>	25727
<u>(J) The extent to which the proposal will create additional</u>	25728
<u>capacity in educational or economic areas of need.</u>	25729
<u>Sec. 3333.63. The chancellor of the Ohio board of regents</u>	25730
<u>shall conduct at least one public meeting annually, prior to</u>	25731
<u>deciding awards under the Ohio innovation partnership. At the</u>	25732
<u>meeting, an employee of the chancellor shall summarize the</u>	25733
<u>proposals submitted for consideration, and each state university</u>	25734
<u>or college that has a proposal pending shall have the opportunity</u>	25735
<u>to review the summary of their proposal prepared by the</u>	25736
<u>chancellor's staff and answer questions or respond to concerns</u>	25737
<u>about the proposal raised by the chancellor's staff.</u>	25738
<u>Sec. 3333.64. The chancellor of the Ohio board of regents</u>	25739
<u>shall make awards under the choose Ohio first scholarship program</u>	25740
<u>and the Ohio research scholars program such that the aggregate,</u>	25741
<u>statewide amount of other institutional, public, and private money</u>	25742
<u>pledged to the proposals in each fiscal year equals at least one</u>	25743
<u>hundred per cent of the aggregate amount of the money awarded</u>	25744
<u>under both programs that year.</u>	25745
<u>The chancellor also shall endeavor to distribute awards in</u>	25746
<u>such a way that all regions of the state benefit from the economic</u>	25747
<u>development impact of the programs and shall guarantee that</u>	25748
<u>students from all regions of the state are able to participate in</u>	25749
<u>the scholarship program.</u>	25750

Sec. 3333.65. The chancellor of the Ohio board of regents shall require each state university or college that the controlling board approves to receive an award under the Ohio innovation partnership to enter into an agreement governing the use of the award. The agreement shall contain terms the chancellor determines to be necessary, which shall include performance measures, reporting requirements, and an obligation to fulfill pledges of other institutional, public, or nonpublic resources for the proposal.

The chancellor may require a state university or college that violates the terms of its agreement to repay the award plus interest at the rate required by section 5703.47 of the Revised Code to the chancellor.

Sec. 3333.66. The chancellor of the Ohio board of regents shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities, to submit proposals under the choose Ohio first scholarship program for initiatives that recruit Ohio residents enrolled in colleges and universities in other states or other countries to return to Ohio and enroll in state universities or colleges as graduate students in the fields of science, technology, engineering, mathematics, and medicine, or in the fields of science, technology, engineering, mathematics, or medical education. If such proposals are submitted and meet the chancellor's competitive criteria for awards, the chancellor, subject to approval by the controlling board, shall give at least one of the proposals preference for an award.

Sec. 3333.67. Each state university or college that receives an award under the Ohio research scholars program shall deposit

the award into a new or existing endowment fund. The university or college shall maintain the amount awarded and use income generated from that award, and other institutional, public, or nonpublic resources, to finance the proposal approved by the chancellor of the Ohio board of regents and the controlling board.

Sec. 3333.68. When making an award under the Ohio innovation partnership, the chancellor of the Ohio board of regents, subject to approval by the controlling board, may commit to giving a state university's or college's proposal preference for future awards after the current fiscal year or fiscal biennium. A proposal's eligibility for future awards remains conditional on both of the following:

(A) Future appropriations of the general assembly;

(B) The university's or college's adherence to the agreement entered into under section 3333.65 of the Revised Code, including its fulfillment of pledges of other institutional, public, or nonpublic resources.

The chancellor and the controlling board shall not commit to awarding any proposal for more than five fiscal years at a time. However, when a commitment for future awards expires, a state university or college may reapply.

Sec. 3333.69. The chancellor of the Ohio board of regents shall monitor each initiative for which an award is granted under the Ohio innovation partnership to ensure the following:

(A) Fiscal accountability, so that the award is used in accordance with the agreement entered into under section 3333.65 of the Revised Code;

(B) Operating progress, so that the initiative is managed to achieve the goals stated in the proposal and in the agreement, and so that problems may be promptly identified and remedied;

(C) Desired outcomes, so that the initiative contributes to 25811
the programs' goals of enhancing regional educational and economic 25812
strengths and meeting regional economic needs. 25813

Sec. 3333.70. Not later than December 31, 2008, and the 25814
thirty-first day of December of each year thereafter, the 25815
chancellor of the Ohio board of regents shall submit to the 25816
general assembly in accordance with section 101.68 of the Revised 25817
Code a report on the academic and economic impact of the Ohio 25818
innovation partnership. At a minimum, the report shall include the 25819
following: 25820

(A) Progress and performance metrics for each initiative that 25821
received an award in the previous fiscal year; 25822

(B) Economic indicators of the impact of each initiative, and 25823
all initiatives as a whole, on the regional economies and the 25824
statewide economy. 25825

Sec. 3345.02. As used in this section, "state institution of 25826
higher education" has the same meaning as in section 3345.011 of 25827
the Revised Code. 25828

Beginning in the 2008-2009 academic year, each state 25829
institution of higher education shall include in each statement of 25830
estimated or actual charges owed by a student enrolled in the 25831
institution an itemized list of the instructional fees, general 25832
fees, special purpose fees, service charges, fines, and any other 25833
fees or surcharges applicable to the student. 25834

Sec. 3345.05. (A) All registration fees, nonresident tuition 25835
fees, academic fees for the support of off-campus instruction, 25836
laboratory and course fees when so assessed and collected, student 25837
health fees for the support of a student health service, all other 25838
fees, deposits, charges, receipts, and income from all or part of 25839

the students, all subsidy or other payments from state 25840
appropriations, and all other fees, deposits, charges, receipts, 25841
~~and income, and revenue~~ received by each ~~state-supported~~ 25842
~~university and college~~ state institution of higher education, the 25843
Ohio state university hospitals and their ancillary facilities, 25844
the Ohio agricultural research and development center, and the 25845
Ohio state university cooperative extension service shall be held 25846
and administered by the respective boards of trustees of the 25847
~~state-supported universities and colleges~~ state institution of 25848
higher education; provided, that such fees, deposits, charges, 25849
receipts, ~~and income~~ and revenue, to the extent required by 25850
resolutions, trust agreements, indentures, leases, and agreements 25851
adopted, made, or entered into under Chapter 154. or section 25852
3345.07, 3345.11, or 3345.12 of the Revised Code, shall be held, 25853
administered, transferred, and applied in accordance therewith. 25854

(B) The Ohio board of regents shall require annual reporting 25855
by the Ohio agricultural research and development center and by 25856
each university and college receiving state aid in such form and 25857
detail as determined by the board in consultation with such 25858
center, universities and colleges, and the director of budget and 25859
management. 25860

(C) Notwithstanding any provision of the Revised Code to the 25861
contrary, the title to investments made by the board of trustees 25862
of a ~~state-supported university or college~~ state institution of 25863
higher education with funds derived from ~~revenues~~ any of the 25864
sources described in division (A) of this section shall not be 25865
vested in the state or the political subdivision but shall be held 25866
in trust by the board. Such investments shall be made pursuant to 25867
an investment policy adopted by the board in public session that 25868
requires all fiduciaries to discharge their duties with the care, 25869
skill, prudence, and diligence under the circumstances then 25870
prevailing that a prudent person acting in like capacity and 25871

familiar with such matters would use in the conduct of an 25872
enterprise of a like character and with like aims. The policy also 25873
shall require at least the following: 25874

(1) A stipulation that investment ~~be made only in publicly~~ 25875
~~traded securities averaging~~ of at least twenty-five per cent of 25876
the average amount of the investment portfolio over the course of 25877
the previous fiscal year be invested in securities of the United 25878
States government or of its agencies or instrumentalities, the 25879
treasurer of state's pooled investment program, obligations of 25880
this state or any political subdivision of this state, 25881
certificates of deposit of any national bank located in this 25882
state, written repurchase agreements with any eligible Ohio 25883
financial institution that is a member of the federal reserve 25884
system or federal home loan bank, money market funds, or bankers 25885
acceptances maturing in two hundred seventy days or less which are 25886
eligible for purchase by the federal reserve system, as a reserve; 25887

(2) Eligible funds above those that meet the conditions of 25888
division (C)(1) of this section may be pooled with other 25889
institutional funds and invested in accordance with section 25890
1715.54 of the Revised Code. 25891

(3) The establishment of an investment committee. 25892

(D) The investment committee established under division 25893
(C)~~(2)~~(3) of this section shall meet at least quarterly. The 25894
committee shall review and recommend revisions to the board's 25895
investment policy and shall advise the board on its investments 25896
made under division (C) of this section in an effort to assist it 25897
in meeting its obligations as a fiduciary as described in division 25898
(C) of this section. The committee shall be authorized to retain 25899
the services of an investment advisor who meets both of the 25900
following qualifications: 25901

(1) The advisor is either: 25902

(a) Licensed by the division of securities under section 1707.141 of the Revised Code;	25903 25904
(b) Registered with the securities and exchange commission.	25905
(2) The advisor either:	25906
(a) Has experience in the management of investments of public funds, especially in the investment of state-government investment portfolios;	25907 25908 25909
(b) Is an eligible institution referenced in section 135.03 of the Revised Code.	25910 25911
<u>(E) As used in this section, "state institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code.</u>	25912 25913 25914
Sec. 3345.32. (A) As used in this section:	25915
(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeastern Ohio universities college of medicine.	25916 25917 25918
(2) "Resident" has the meaning specified by rule of the <u>chancellor of the</u> Ohio board of regents.	25919 25920
(3) "Statement of selective service status" means a statement certifying one of the following:	25921 25922
(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;	25923 25924 25925 25926
(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:	25927 25928 25929
(i) The individual is under eighteen or over twenty-six years of age.	25930 25931

(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit. 25932
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(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 25935
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(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands. 25938
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(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by division (E) of this section. 25941
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(B) The ~~Ohio board of regents~~ chancellor shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (F) of this section. Each statement of selective service status shall contain a section wherein a male student born after December 31, 1959, certifies that the student has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended. For those students not required to register with the selective service, as specified in divisions (A)(2)(b)(i) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The ~~board of regents~~ chancellor may require that such statements be accompanied by documentation specified by rule of the ~~board~~ chancellor. 25947
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(C) A state university or college that enrolls in any course, 25962

class, or program a male student born after December 31, 1959, who 25963
has not filed a statement of selective service status with the 25964
university or college shall, regardless of the student's 25965
residency, charge the student any tuition surcharge charged 25966
students who are not residents of this state. 25967

(D) No male born after December 31, 1959, shall be eligible 25968
to receive any loan, grant, scholarship, or other financial 25969
assistance for educational expenses granted under section 3315.33, 25970
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.27, 5910.03, 25971
5910.032, or 5919.34 of the Revised Code, or financed by an award 25972
under the choose Ohio first scholarship program established under 25973
section 3333.61 of the Revised Code, unless that person has filed 25974
a statement of selective service status with that person's 25975
institution of higher education. 25976

(E) If an institution of higher education receives a 25977
statement from an individual certifying that the individual has 25978
registered with the selective service system in accordance with 25979
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 25980
453, as amended or that the individual is exempt from registration 25981
for a reason other than that the individual is under eighteen 25982
years of age, the institution shall not require the individual to 25983
file any further statements. If it receives a statement certifying 25984
that the individual is not required to register because the 25985
individual is under eighteen years of age, the institution shall 25986
require the individual to file a new statement of selective 25987
service status each time the individual seeks to enroll for a new 25988
academic term or makes application for a new loan or loan 25989
guarantee or for any form of financial assistance for educational 25990
expenses, until it receives a statement certifying that the 25991
individual has registered with the selective service system or is 25992
exempt from registration for a reason other than that the 25993
individual is under eighteen years of age. 25994

Sec. 3353.02. (A) There is hereby created the eTech Ohio 25995
commission as an independent agency to advance education and 25996
accelerate the learning of the citizens of this state through 25997
technology. The commission shall provide leadership and support in 25998
extending the knowledge of the citizens of this state by promoting 25999
access to and use of all forms of educational technology, 26000
including educational television and radio, radio reading 26001
services, broadband networks, videotapes, compact discs, digital 26002
video on demand (DVD), and the internet. The commission also shall 26003
administer programs to provide financial and other assistance to 26004
school districts and other educational institutions for the 26005
acquisition and utilization of educational technology. 26006

The commission is a body corporate and politic, an agency of 26007
the state performing essential governmental functions of the 26008
state. 26009

(B) The commission shall consist of thirteen members, nine of 26010
whom shall be voting members. Six of the voting members shall be 26011
representatives of the public. Of the representatives of the 26012
public, four shall be appointed by the governor with the advice 26013
and consent of the senate, one shall be appointed by the speaker 26014
of the house of representatives, and one shall be appointed by the 26015
president of the senate. The superintendent of public instruction 26016
or a designee of the superintendent, the chancellor of the Ohio 26017
board of regents or a designee of the chancellor, and the ~~director~~ 26018
~~of the office of information technology~~ state chief information 26019
officer or a designee of the ~~director~~ officer shall be ex officio 26020
voting members. Of the nonvoting members, two shall be members of 26021
the house of representatives appointed by the speaker of the house 26022
of representatives and two shall be members of the senate 26023
appointed by the president of the senate. The members appointed 26024
from each chamber shall not be members of the same political 26025
party. 26026

(C) Initial terms of office for members appointed by the 26027
governor shall be one year for one member, two years for one 26028
member, three years for one member, and four years for one member. 26029
At the first meeting of the commission, members appointed by the 26030
governor shall draw lots to determine the length of the term each 26031
member will serve. Thereafter, terms of office for members 26032
appointed by the governor shall be for four years. Terms of office 26033
for voting members appointed by the speaker of the house of 26034
representatives and the president of the senate shall be for four 26035
years. Any member who is a representative of the public may be 26036
reappointed by the member's respective appointing authority, but 26037
no such member may serve more than two consecutive four-year 26038
terms. Such a member may be removed by the member's respective 26039
appointing authority for cause. 26040

Any legislative member appointed by the speaker of the house 26041
of representatives or the president of the senate who ceases to be 26042
a member of the legislative chamber from which the member was 26043
appointed shall cease to be a member of the commission. The 26044
speaker of the house of representatives and the president of the 26045
senate may remove their respective appointments to the commission 26046
at any time. 26047

(D) Vacancies among appointed members shall be filled in the 26048
manner provided for original appointments. Any member appointed to 26049
fill a vacancy occurring prior to the expiration of the term for 26050
which the member's predecessor was appointed shall hold office for 26051
the remainder of that term. Any appointed member shall continue in 26052
office subsequent to the expiration of that member's term until 26053
the member's successor takes office or until a period of sixty 26054
days has elapsed, whichever occurs first. 26055

(E) Members of the commission shall serve without 26056
compensation. The members who are representatives of the public 26057
shall be reimbursed, pursuant to office of budget and management 26058

guidelines, for actual and necessary expenses incurred in the performance of official duties.

(F) The governor shall appoint the chairperson of the commission from among the commission's voting members. The chairperson shall serve a term of two years and may be reappointed. The commission shall elect other officers as necessary from among its voting members and shall prescribe its rules of procedure.

(G) The commission shall establish advisory groups as needed to address topics of interest and to provide guidance to the commission regarding educational technology issues and the technology needs of educators, learners, and the public. Members of each advisory group shall be appointed by the commission and shall include representatives of individuals or organizations with an interest in the topic addressed by the advisory group.

Sec. 3353.20. As used in sections 3353.20 to 3353.30 of the Revised Code:

(A) "Clearinghouse" means the clearinghouse established under section 3353.21 of the Revised Code.

(B) "Data verification code" means the code assigned to a student under division (D)(2) of section 3301.0714 of the Revised Code.

(C) "One-half unit" of instruction has the same meaning as in section 3313.603 of the Revised Code.

(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.

(E) A "student's school district" means the school district operating the school in which the student is lawfully enrolled.

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.

(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 recommended by the state board of education under section 3353.30 of the Revised Code.

(C) The commission shall review the technical specifications of each application submitted under division (B) of this section and shall approve a course offered if the commission determines that the school district can satisfactorily deliver the course through the technology necessary for that delivery. In reviewing applications, the commission may consult with the department of education; however, the responsibility to either approve or not approve a course for the clearinghouse belongs to the commission. The commission may request additional information from a school

district that submits an application under division (B) of this 26121
section, if the commission determines that such information is 26122
necessary. The commission may negotiate changes in the proposal to 26123
offer a course, if the commission determines that changes are 26124
necessary in order to approve the course. 26125

(D) The commission shall catalog each course approved for the 26126
clearinghouse, through a print or electronic medium, displaying 26127
the following: 26128

(1) Information necessary for a student and the student's 26129
parent, guardian, or custodian and the student's school district 26130
or community school to decide whether to enroll in the course; 26131

(2) Instructions for enrolling in that course, including 26132
deadlines for enrollment. 26133

Sec. 3353.22. (A) A student who is enrolled in a school 26134
operated by a school district or in a community school may enroll 26135
in a course included in the clearinghouse only if both of the 26136
following conditions are satisfied: 26137

(1) The student's enrollment in the course is approved by the 26138
student's school district or the student's community school. 26139

(2) The student's school district or the student's community 26140
school agrees to accept for credit the grade assigned by the 26141
district that is delivering the course. 26142

(B) For each student enrolling in a course, the student's 26143
school district or the student's community school shall transmit 26144
to the eTech Ohio commission only the student's data verification 26145
code and not the student's name. The commission shall transmit 26146
that student's code to the school district delivering the course. 26147

The district delivering the course may request from the 26148
student's school district or the student's community school the 26149
student's name and other information from the student's school 26150

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. 26151
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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. 26154
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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. 26159
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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. 26162
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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 clearinghouse using the student's data verification code. 26168
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(B) The commission shall report to the department of education the data verification code for each student enrolled in a course, the name of the school district delivering the course, the name of the student's school district or the name of the student's community school, the fee for the course, and the beginning and ending date of the course. 26171
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Sec. 3353.24. (A) Unless the eTech Ohio commission sets a different fee amount pursuant to division (B) of this section, the fee for each course that is the equivalent of one-half unit of instruction offered through the clearinghouse shall be one hundred 26177
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seventy-five dollars per student. The commission shall set the fee 26181
for a course that is either less than or greater than one-half 26182
unit of instruction based on the proportional amount the course is 26183
either less than or greater than one-half unit of instruction. 26184

(B) The commission, by rule adopted in accordance with 26185
Chapter 119. of the Revised Code, may set a fee for courses 26186
offered through the clearinghouse at a rate other than the one 26187
specified in division (A) of this section. 26188

(C) The commission shall proportionally reduce the fee for 26189
any student who withdraws from a course prior to the end of the 26190
course pursuant to division (D) of section 3353.22 of the Revised 26191
Code. 26192

Sec. 3353.25. For each student enrolled in a course included 26193
in the clearinghouse, in accordance with information reported 26194
under division (B) of section 3353.23 of the Revised Code and not 26195
later than the last day of that course, the department of 26196
education shall deduct the amount of the fee for that course from 26197
the student's school district or the student's community school, 26198
under division (P) of section 3317.023 or section 3314.086 or 26199
3317.161 of the Revised Code, and shall pay that amount to the 26200
school district delivering the course. 26201

Sec. 3353.26. The grade for a student who enrolls in a course 26202
included in the clearinghouse shall be assigned by the school 26203
district that delivers the course and shall be transmitted by that 26204
district to the student's school district or the student's 26205
community school. 26206

Sec. 3353.27. The eTech Ohio commission may determine the 26207
manner in which a course included in the clearinghouse may be 26208
offered as a dual enrollment program as defined in section 26209
3313.6013 of the Revised Code, may be offered to students who are 26210

enrolled in nonpublic schools or are instructed at home pursuant 26211
to section 3321.04 of the Revised Code, or may be offered at times 26212
outside the normal school day or school week, including any 26213
necessary additional fees and methods of payment for a course so 26214
offered. 26215

Sec. 3353.28. The eTech Ohio commission shall adopt rules in 26216
accordance with Chapter 119. of the Revised Code prescribing 26217
procedures for the implementation of sections 3353.20 to 3353.27 26218
of the Revised Code. 26219

Sec. 3353.29. Nothing in sections 3353.20 to 3353.28 of the 26220
Revised Code, or in rules implementing those sections, shall 26221
prohibit a school district from offering an interactive distance 26222
learning course or other distance learning course using a 26223
computer-based method through any means other than the 26224
clearinghouse established and maintained under those sections. 26225

Sec. 3353.30. Not later than six months after the effective 26226
date of this section, the state board of education shall adopt a 26227
resolution recommending to the eTech Ohio commission the types of 26228
information about a distance learning course that the commission 26229
might require school districts to submit with their applications 26230
to include the course in the clearinghouse. 26231

Sec. 3354.10. (A) All funds under the control of a board of 26232
trustees of a community college district, regardless of the source 26233
thereof, may be deposited by such board to its credit in banks or 26234
trust companies designated by it. Such banks or trust companies 26235
shall furnish security for every such deposit to the extent and in 26236
the manner provided in section 135.18 of the Revised Code, but no 26237
such deposit shall otherwise be subject to sections 135.01 to 26238
135.21 of the Revised Code. Thereupon, such funds may be disbursed 26239

by the board of trustees for the uses and purposes of such 26240
district. No contract of the board involving the expenditure of 26241
money shall become effective until there is placed thereon by the 26242
treasurer as fiscal officer of the district the certificate 26243
provided for by section 5705.41 of the Revised Code. 26244

(B) The board of trustees of a community college district may 26245
provide for the investment of district funds. Investments may be 26246
made in securities of the United States government or of its 26247
agencies or instrumentalities, the treasurer of state's pooled 26248
investment program, obligations of this state or any political 26249
subdivision of this state, certificates of deposit of any national 26250
bank located in this state, written repurchase agreements with any 26251
eligible Ohio financial institution that is a member of the 26252
federal reserve system or federal home loan bank, money market 26253
funds, or bankers acceptances maturing in two hundred seventy days 26254
or less which are eligible for purchase by the federal reserve 26255
system, as a reserve. Notwithstanding the foregoing or any 26256
provision of the Revised Code to the contrary, the board of 26257
trustees of a community college district may provide for the 26258
investment of district funds in any manner authorized under 26259
section 3345.05 of the Revised Code. 26260

(C) Any community college district is subject to audit by the 26261
auditor of state, who shall furnish to the county or counties 26262
which created the district a copy of the audit report. 26263

Sec. 3355.01. As used in ~~sections 3355.01 to 3355.14,~~ 26264
~~inclusive, of the Revised Code~~ this chapter: 26265

(A) "University branch district" means a political 26266
subdivision of the state and a body corporate with all the powers 26267
of a corporation, and organized for the purpose of establishing, 26268
owning, and operating a branch university district within the 26269
territory of such district. 26270

(B) "University branch" means an academic program 26271
administered by a state or municipal university in a community 26272
other than the community wherein is located the main campus of 26273
such university, and affording to the students in such program 26274
academic credit corresponding to that afforded to the students on 26275
the main campus upon satisfactory completion of comparable courses 26276
of instruction. 26277

Sec. 3355.15. A university branch may offer any baccalaureate 26278
program that has been approved under Chapter 3333. of the Revised 26279
Code to be offered at the main campus of the university. 26280

Sec. 3357.01. As used in ~~sections 3357.01 to 3357.19,~~ 26281
~~inclusive, of the Revised Code~~ this chapter: 26282

(A) "Technical college" means an institution of education 26283
beyond the high school, including an institution of higher 26284
education, organized for the principal purpose of providing for 26285
the residents of the technical college district, wherein such 26286
college is situated, any one or more of the instructional programs 26287
defined in this section as "~~technical college~~ technical college," 26288
or "adult-education technical programs," normally not exceeding 26289
two years duration and not leading to a baccalaureate degree. 26290

(B) "Technical college district" means a political 26291
subdivision of the state and a body corporate with all the powers 26292
of a corporation, comprised of the territory of a city school 26293
district or a county, or two or more contiguous school districts 26294
or counties, which meets the standards prescribed by the Ohio 26295
board of regents pursuant to section 3357.02 of the Revised Code, 26296
and which is organized for the purpose of establishing, owning, 26297
and operating one or more technical colleges within the territory 26298
of such district. 26299

(C) "Contiguous school districts or counties" means school 26300

districts or counties so located that each such school district or 26301
county shares at least one boundary or a portion thereof in common 26302
with at least one other such school district or county in the 26303
group of school districts or counties referred to as being 26304
"contiguous." 26305

(D) "Technical college program" means a post high school 26306
curricular program provided within a technical college, planned 26307
and intended to qualify students, after satisfactory completion of 26308
such a program normally two years in duration, to pursue careers 26309
in which they provide immediate technical assistance to 26310
professional or managerial persons generally required to hold 26311
baccalaureate or higher academic degrees in technical or 26312
professional fields. The technical and professional fields 26313
referred to in this section include, but are not limited to, 26314
engineering and physical, medical, or other sciences. 26315

(E) "Adult-education technical program" means the 26316
dissemination of post high school technical education service and 26317
knowledge, for the occupational, or general educational benefit of 26318
adult persons. 26319

(F) "Charter amendment" means a change in the official plan 26320
of a technical college for the purpose of acquiring additional 26321
lands or structures, disposing of or transferring lands or 26322
structures, erecting structures, creating or abolishing technical 26323
college or adult education technical curricular programs. 26324

(G) "Baccalaureate-oriented associate degree program" means a 26325
curricular program of not more than two years' duration that is 26326
planned and intended to enable students to gain academic credit 26327
for courses comparable to first- and second-year courses offered 26328
by accredited colleges and universities. The purpose of 26329
baccalaureate-oriented associate degree coursework in technical 26330
colleges is to enable students to transfer to colleges and 26331
universities and earn baccalaureate degrees or to enable students 26332

to terminate academic study after two years with a proportionate 26333
recognition of academic achievement through receipt of an 26334
associate degree. 26335

Sec. 3357.10. (A) The board of trustees of a technical 26336
college district shall elect a treasurer, who is not a member of 26337
the board, to serve at its pleasure. The treasurer may be the 26338
person serving as secretary under section 3357.06 of the Revised 26339
Code. The treasurer shall be the fiscal officer of the district 26340
and shall receive and disburse all funds of the district under the 26341
direction of the board. No contract of the board involving the 26342
expenditure of money shall become effective until the treasurer 26343
certifies that there are funds of the board otherwise 26344
unappropriated sufficient to provide therefor. 26345

When the treasurer of the district ceases to hold such 26346
office, the treasurer or the treasurer's legal representatives 26347
shall deliver to the board or to the treasurer's successor all 26348
moneys, books, papers, and other property of the district in the 26349
treasurer's possession as treasurer. In case of the death or 26350
incapacity of the treasurer, the treasurer's legal representatives 26351
shall, in like manner, deliver all moneys, books, papers, and 26352
other property of the district to the board or to the person named 26353
as the treasurer's successor. 26354

(B) All funds under the control of a board of trustees of a 26355
technical college district, regardless of the source of the funds, 26356
may be deposited by the board to its credit in banks or trust 26357
companies designated by it. The banks or trust companies shall 26358
furnish security for every deposit to the extent and in the manner 26359
provided in section 135.18 of the Revised Code, but no deposit 26360
shall otherwise be subject to sections 135.01 to 135.21 of the 26361
Revised Code. Funds deposited in a bank or trust company may be 26362
disbursed by the board of trustees for the uses and purposes of 26363

the district. 26364

(C) The board may provide for the investment of district 26365
funds. Investments may be made in securities of the United States 26366
government or of its agencies or instrumentalities, the treasurer 26367
of state's pooled investment program, obligations of this state or 26368
any political subdivision of this state, certificates of deposit 26369
of any national bank located in this state, written repurchase 26370
agreements with any eligible Ohio financial institution that is a 26371
member of the federal reserve system or federal home loan bank, 26372
money market funds, or bankers acceptances maturing in two hundred 26373
seventy days or less which are eligible for purchase by the 26374
federal reserve system, as a reserve. Notwithstanding the 26375
foregoing or any provision of the Revised Code to the contrary, 26376
the board of trustees of a technical college district may provide 26377
for the investment of district funds in any manner authorized 26378
under section 3345.05 of the Revised Code. 26379

Sec. 3357.13. As used in this section, "state institution of 26380
higher education" has the same meaning as in section 3345.011 of 26381
the Revised Code. 26382

A technical college may offer any baccalaureate-oriented 26383
associate degree programs regardless of its co-location with 26384
another state institution of higher education. 26385

Sec. 3358.06. (A) The treasurer of each state community 26386
college district shall be its fiscal officer, and the treasurer 26387
shall receive and disburse all funds under the direction of the 26388
college president. No contract of the college's board of trustees 26389
involving the expenditure of money shall become effective until 26390
the treasurer certifies that there are funds of the board 26391
otherwise uncommitted and sufficient to provide therefor. 26392

When the treasurer ceases to hold the office, the treasurer 26393

or the treasurer's legal representative shall deliver to the 26394
treasurer's successor or the president all moneys, books, papers, 26395
and other property of the college. 26396

Before entering upon the discharge of official duties, the 26397
treasurer shall give bond to the state for the faithful 26398
performance of official duties and the proper accounting for all 26399
moneys coming into the treasurer's care. The amount of the bond 26400
shall be determined by the board but shall not be for a sum less 26401
than the estimated amount that may come into the treasurer's 26402
control at any time. The bond shall be approved by the attorney 26403
general. 26404

(B) The board of trustees may provide for the investment of 26405
district funds. Investments may be made in securities of the 26406
United States government or of its agencies or instrumentalities, 26407
the treasurer of state's pooled investment program, obligations of 26408
this state or any political subdivision of this state, 26409
certificates of deposit of any national bank located in this 26410
state, written repurchase agreements with any eligible Ohio 26411
financial institution that is a member of the federal reserve 26412
system or federal home loan bank, money market funds, or bankers 26413
acceptances maturing in two hundred seventy days or less which are 26414
eligible for purchase by the federal reserve system, as a reserve. 26415
Notwithstanding the foregoing or any provision of the Revised Code 26416
to the contrary, the board of trustees of a state community 26417
college district may provide for the investment of district funds 26418
in any manner authorized under section 3345.05 of the Revised 26419
Code. 26420

Sec. 3365.01. As used in this chapter: 26421

(A) "College" means any state-assisted college or university 26422
described in section 3333.041 of the Revised Code, any nonprofit 26423
institution holding a certificate of authorization pursuant to 26424

Chapter 1713. of the Revised Code, any private institution exempt 26425
from regulation under Chapter 3332. of the Revised Code as 26426
prescribed in section 3333.046 of the Revised Code, and any 26427
institution holding a certificate of registration from the state 26428
board of career colleges and schools and program authorization for 26429
an associate or bachelor's degree program issued under section 26430
3332.05 of the Revised Code. 26431

(B) "School district," except as specified in division (G) of 26432
this section, means any school district to which a student is 26433
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 26434
the Revised Code and does not include a joint vocational or 26435
cooperative education school district. 26436

(C) "Parent" has the same meaning as in section 3313.64 of 26437
the Revised Code. 26438

(D) "Participant" means a student enrolled in a college under 26439
the post-secondary enrollment options program established by this 26440
chapter. 26441

(E) "Secondary grade" means the ninth through twelfth grades. 26442

(F) "School foundation payments" means the amount required to 26443
be paid to a school district for a fiscal year under Chapter 3317. 26444
of the Revised Code. 26445

(G) "Tuition base" means, with respect to a participant's 26446
school district, the ~~greater of the following:~~ 26447

~~(1) The fiscal year 2005 formula amount defined in section 26448
3317.02 of the Revised Code multiplied by the district's fiscal 26449
year 2005 cost of doing business factor defined in that section;~~ 26450

~~(2) The sum of (the current formula amount times the current 26451
cost of doing business factor defined in section 3317.02 of the 26452
Revised Code) plus the per pupil amount of the base funding 26453
supplements specified in divisions (C)(1) to (4) of section 26454~~

3317.012 of the Revised Code. 26455

The participant's "school district" in the case of a 26456
participant enrolled in a community school shall be the school 26457
district in which the student is entitled to attend school under 26458
section 3313.64 or 3313.65 of the Revised Code. 26459

(H) "Educational program" means enrollment in one or more 26460
school districts, in a nonpublic school, or in a college under 26461
division (B) of section 3365.04 of the Revised Code. 26462

(I) "Nonpublic school" means a chartered or nonchartered 26463
school for which minimum standards are prescribed by the state 26464
board of education pursuant to division (D) of section 3301.07 of 26465
the Revised Code. 26466

(J) "School year" means the year beginning on the first day 26467
of July and ending on the thirtieth day of June. 26468

(K) "Community school" means any school established pursuant 26469
to Chapter 3314. of the Revised Code that includes secondary 26470
grades. 26471

(L) "Community school payments" means payments made by the 26472
department of education to a community school pursuant to division 26473
(D) of section 3314.08 of the Revised Code. 26474

Sec. 3381.04. (A) In lieu of the procedure set forth in 26475
section 3381.03 of the Revised Code, any county with a population 26476
of five hundred thousand or more, at any time before the creation 26477
of a regional arts and cultural district under that section, may 26478
create a regional arts and cultural district by adoption of a 26479
resolution by the board of county commissioners of that county. 26480
The resolution shall state all of the following: 26481

(1) The purposes for the creation of the district; 26482

(2) That the territory of the district shall be coextensive 26483
with the territory of the county; 26484

(3) The official name by which the district shall be known;	26485
(4) The location of the principal office of the district or the manner in which the location shall be selected.	26486 26487
(B) The district provided for in the resolution shall be created upon the adoption of the resolution by the board of county commissioners of that county. Upon the adoption of the resolution, the county and the municipal corporations and townships contained in the county shall not thereafter be a part of any other regional arts and cultural district.	26488 26489 26490 26491 26492 26493
(C) The board of trustees of any regional arts and cultural district formed in accordance with this section shall be comprised of three <u>five</u> members appointed by the board of county commissioners.	26494 26495 26496 26497
Sec. 3501.01. As used in the sections of the Revised Code relating to elections and political communications:	26498 26499
(A) "General election" means the election held on the first Tuesday after the first Monday in each November.	26500 26501
(B) "Regular municipal election" means the election held on the first Tuesday after the first Monday in November in each odd-numbered year.	26502 26503 26504
(C) "Regular state election" means the election held on the first Tuesday after the first Monday in November in each even-numbered year.	26505 26506 26507
(D) "Special election" means any election other than those elections defined in other divisions of this section. A special election may be held only on the first Tuesday after the first Monday in February, May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election, except that in any year in which a presidential primary election is held, no special election shall	26508 26509 26510 26511 26512 26513 26514

be held in February or May, except as authorized by a municipal or county charter, but may be held on the first Tuesday after the first Monday in March.

(E)(1) "Primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held.

(2) "Presidential primary election" means a primary election as defined by division (E)(1) of this section at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties pursuant to section 3513.12 of the Revised Code. Unless otherwise specified, presidential primary elections are included in references to primary elections. In years in which a presidential primary election is held, all primary elections shall be held on the first Tuesday after the first Monday in March except as otherwise authorized by a municipal or county charter.

(F) "Political party" means any group of voters meeting the requirements set forth in section 3517.01 of the Revised Code for the formation and existence of a political party.

(1) "Major political party" means any political party organized under the laws of this state whose candidate for governor or nominees for presidential electors received no less than twenty per cent of the total vote cast for such office at the most recent regular state election.

(2) "Intermediate political party" means any political party organized under the laws of this state whose candidate for

governor or nominees for presidential electors received less than 26546
twenty per cent but not less than ten per cent of the total vote 26547
cast for such office at the most recent regular state election. 26548

(3) "Minor political party" means any political party 26549
organized under the laws of this state whose candidate for 26550
governor or nominees for presidential electors received less than 26551
ten per cent but not less than five per cent of the total vote 26552
cast for such office at the most recent regular state election or 26553
which has filed with the secretary of state, subsequent to any 26554
election in which it received less than five per cent of such 26555
vote, a petition signed by qualified electors equal in number to 26556
at least one per cent of the total vote cast for such office in 26557
the last preceding regular state election, except that a newly 26558
formed political party shall be known as a minor political party 26559
until the time of the first election for governor or president 26560
which occurs not less than twelve months subsequent to the 26561
formation of such party, after which election the status of such 26562
party shall be determined by the vote for the office of governor 26563
or president. 26564

(G) "Dominant party in a precinct" or "dominant political 26565
party in a precinct" means that political party whose candidate 26566
for election to the office of governor at the most recent regular 26567
state election at which a governor was elected received more votes 26568
than any other person received for election to that office in such 26569
precinct at such election. 26570

(H) "Candidate" means any qualified person certified in 26571
accordance with the provisions of the Revised Code for placement 26572
on the official ballot of a primary, general, or special election 26573
to be held in this state, or any qualified person who claims to be 26574
a write-in candidate, or who knowingly assents to being 26575
represented as a write-in candidate by another at either a 26576
primary, general, or special election to be held in this state. 26577

(I) "Independent candidate" means any candidate who claims 26578
not to be affiliated with a political party, and whose name has 26579
been certified on the office-type ballot at a general or special 26580
election through the filing of a statement of candidacy and 26581
nominating petition, as prescribed in section 3513.257 of the 26582
Revised Code. 26583

(J) "Nonpartisan candidate" means any candidate whose name is 26584
required, pursuant to section 3505.04 of the Revised Code, to be 26585
listed on the nonpartisan ballot, including all candidates for 26586
judicial office, for member of any board of education, for 26587
municipal or township offices in which primary elections are not 26588
held for nominating candidates by political parties, and for 26589
offices of municipal corporations having charters that provide for 26590
separate ballots for elections for these offices. 26591

(K) "Party candidate" means any candidate who claims to be a 26592
member of a political party, whose name has been certified on the 26593
office-type ballot at a general or special election through the 26594
filing of a declaration of candidacy and petition of candidate, 26595
and who has won the primary election of the candidate's party for 26596
the public office the candidate seeks or is selected by party 26597
committee in accordance with section 3513.31 of the Revised Code. 26598

(L) "Officer of a political party" includes, but is not 26599
limited to, any member, elected or appointed, of a controlling 26600
committee, whether representing the territory of the state, a 26601
district therein, a county, township, a city, a ward, a precinct, 26602
or other territory, of a major, intermediate, or minor political 26603
party. 26604

(M) "Question or issue" means any question or issue certified 26605
in accordance with the Revised Code for placement on an official 26606
ballot at a general or special election to be held in this state. 26607

(N) "Elector" or "qualified elector" means a person having 26608

the qualifications provided by law to be entitled to vote.	26609
(O) "Voter" means an elector who votes at an election.	26610
(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.	26611 26612 26613
(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.	26614 26615 26616 26617
(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.	26618 26619 26620
(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	26621 26622 26623
(T) "Political subdivision" means a county, township, city, village, or school district.	26624 26625
(U) "Election officer" or "election official" means any of the following:	26626 26627
(1) Secretary of state;	26628
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	26629 26630 26631 26632
(3) Director of a board of elections;	26633
(4) Deputy director of a board of elections;	26634
(5) Member of a board of elections;	26635
(6) Employees of a board of elections;	26636
(7) Precinct polling place judges and clerks ;	26637

(8) Employees appointed by the boards of elections on a 26638
temporary or part-time basis. 26639

(V) "Acknowledgment notice" means a notice sent by a board of 26640
elections, on a form prescribed by the secretary of state, 26641
informing a voter registration applicant or an applicant who 26642
wishes to change the applicant's residence or name of the status 26643
of the application; the information necessary to complete or 26644
update the application, if any; and if the application is 26645
complete, the precinct in which the applicant is to vote. 26646

(W) "Confirmation notice" means a notice sent by a board of 26647
elections, on a form prescribed by the secretary of state, to a 26648
registered elector to confirm the registered elector's current 26649
address. 26650

(X) "Designated agency" means an office or agency in the 26651
state that provides public assistance or that provides 26652
state-funded programs primarily engaged in providing services to 26653
persons with disabilities and that is required by the National 26654
Voter Registration Act of 1993 to implement a program designed and 26655
administered by the secretary of state for registering voters, or 26656
any other public or government office or agency that implements a 26657
program designed and administered by the secretary of state for 26658
registering voters, including the department of job and family 26659
services, the program administered under section 3701.132 of the 26660
Revised Code by the department of health, the department of mental 26661
health, the department of mental retardation and developmental 26662
disabilities, the rehabilitation services commission, and any 26663
other agency the secretary of state designates. "Designated 26664
agency" does not include public high schools and vocational 26665
schools, public libraries, or the office of a county treasurer. 26666

(Y) "National Voter Registration Act of 1993" means the 26667
"National Voter Registration Act of 1993," 107 Stat. 77, 42 26668
U.S.C.A. 1973gg. 26669

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 26670
26671

(AA) "Photo identification" means a document that meets each of the following requirements: 26672
26673

(1) It shows the name of the individual to whom it was issued, which shall conform to the name in the poll list or signature pollbook. 26674
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26676

(2) It shows the current address of the individual to whom it was issued, which shall conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook. 26677
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(3) It shows a photograph of the individual to whom it was issued. 26685
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(4) It includes an expiration date that has not passed. 26687

(5) It was issued by the government of the United States or this state. 26688
26689

Sec. 3501.05. The secretary of state shall do all of the following: 26690
26691

(A) Appoint all members of boards of elections; 26692

(B) Issue instructions by directives and advisories to members of the boards as to the proper methods of conducting elections. In addition to any other publication of those directives and advisories, the secretary of state shall publish those directives and advisories on a web site of the office of the secretary of state as soon as is practicable after they are issued, but not later than the close of business on the same day 26693
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as a directive or advisory is issued. The secretary of state shall 26700
not remove from the web site any directives and advisories so 26701
posted. The secretary of state shall provide on that web site 26702
access to all directives and advisories currently in effect and ~~to~~ 26703
maintain an archive of all directives and advisories previously 26704
published on that web site. 26705

(C) Prepare rules and instructions for the conduct of 26706
elections; 26707

(D) Publish and furnish to the boards from time to time a 26708
sufficient number of indexed copies of all election laws then in 26709
force; 26710

(E) Edit and issue all pamphlets concerning proposed laws or 26711
amendments required by law to be submitted to the voters; 26712

(F) Prescribe the form of registration cards, blanks, and 26713
records; 26714

(G) Determine and prescribe the forms of ballots and the 26715
forms of all blanks, cards of instructions, pollbooks, tally 26716
sheets, certificates of election, and forms and blanks required by 26717
law for use by candidates, committees, and boards; 26718

(H) Prepare the ballot title or statement to be placed on the 26719
ballot for any proposed law or amendment to the constitution to be 26720
submitted to the voters of the state; 26721

(I) Except as otherwise provided in section 3519.08 of the 26722
Revised Code, certify to the several boards the forms of ballots 26723
and names of candidates for state offices, and the form and 26724
wording of state referendum questions and issues, as they shall 26725
appear on the ballot; 26726

(J) Except as otherwise provided in division (I)(2)(b) of 26727
section 3501.38 of the Revised Code, give final approval to ballot 26728
language for any local question or issue approved and transmitted 26729

by boards of elections under section 3501.11 of the Revised Code; 26730

(K) Receive all initiative and referendum petitions on state 26731
questions and issues and determine and certify to the sufficiency 26732
of those petitions; 26733

(L) Require such reports from the several boards as are 26734
provided by law, or as the secretary of state considers necessary; 26735

(M) Compel the observance by election officers in the several 26736
counties of the requirements of the election laws; 26737

(N)(1) Except as otherwise provided in division (N)(2) of 26738
this section, investigate the administration of election laws, 26739
frauds, and irregularities in elections in any county, and report 26740
violations of election laws to the attorney general or prosecuting 26741
attorney, or both, for prosecution; 26742

(2) On and after August 24, 1995, report a failure to comply 26743
with or a violation of a provision in sections 3517.08 to 3517.13, 26744
3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the 26745
Revised Code, whenever the secretary of state has or should have 26746
knowledge of a failure to comply with or a violation of a 26747
provision in one of those sections, by filing a complaint with the 26748
Ohio elections commission under section 3517.153 of the Revised 26749
Code; 26750

(O) Make an annual report to the governor containing the 26751
results of elections, the cost of elections in the various 26752
counties, a tabulation of the votes in the several political 26753
subdivisions, and other information and recommendations relative 26754
to elections the secretary of state considers desirable; 26755

(P) Prescribe and distribute to boards of elections a list of 26756
instructions indicating all legal steps necessary to petition 26757
successfully for local option elections under sections 4301.32 to 26758
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 26759

(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 26760
~~to require each board for the removal by boards~~ of elections ~~to~~ 26761
~~remove of~~ ineligible voters from the statewide voter registration 26762
database and, if ~~already prepared for a particular election~~ 26763
applicable, from the poll list or signature pollbook used in each 26764
precinct, which rules shall provide for all of the following: 26765

(1) A process for the removal of voters who have changed 26766
residence, which shall be uniform, nondiscriminatory, and in 26767
compliance with the Voting Rights Act of 1965 and the National 26768
Voter Registration Act of 1993, including a program that uses the 26769
national change of address service provided by the United States 26770
postal system through its licensees; 26771

(2) A process for the removal of ineligible voters under 26772
section 3503.21 of the Revised Code; 26773

(3) A uniform system for marking or removing the name of ~~an~~ 26774
~~ineligible a voter who is ineligible to vote~~ from the statewide 26775
voter registration database and, if ~~already prepared for a~~ 26776
~~particular election applicable~~, from the poll list or signature 26777
pollbook used in each precinct and noting the reason for that mark 26778
or removal. 26779

(R) Prescribe a general program for registering voters or 26780
updating voter registration information, such as name and 26781
residence changes, at designated agencies, the offices of deputy 26782
registrars of motor vehicles, public high schools and vocational 26783
schools, public libraries, and the offices of county treasurers, 26784
and prescribe a program of distribution of voter registration 26785
forms through those agencies, the offices of the registrar and 26786
deputy registrars of motor vehicles, public high schools and 26787
vocational schools, public libraries, and the offices of county 26788
treasurers; 26789

(S) To the extent feasible, provide copies, at no cost and 26790

upon request, of the voter registration form in post offices in 26791
this state; 26792

(T) Adopt rules pursuant to section 111.15 of the Revised 26793
Code for the purpose of implementing the program for registering 26794
voters at designated agencies and the offices of the registrar and 26795
deputy registrars of motor vehicles consistent with this chapter; 26796

(U) Establish the full-time position of Americans with 26797
Disabilities Act coordinator within the office of the secretary of 26798
state to do all of the following: 26799

(1) Assist the secretary of state with ensuring that there is 26800
equal access to polling places for persons with disabilities; 26801

(2) Assist the secretary of state with ensuring that each 26802
voter may cast the voter's ballot in a manner that provides the 26803
same opportunity for access and participation, including privacy 26804
and independence, as for other voters; 26805

(3) Advise the secretary of state in the development of 26806
standards for the certification of voting machines, marking 26807
devices, and automatic tabulating equipment. 26808

(V) Establish and maintain a computerized statewide database 26809
of all legally registered voters under section 3503.15 of the 26810
Revised Code that complies with the requirements of the "Help 26811
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, 26812
and provide training in the operation of that system; 26813

(W) Ensure that all directives, advisories, other 26814
instructions, or decisions issued or made during or as a result of 26815
any conference or teleconference call with a board of elections to 26816
discuss the proper methods and procedures for conducting 26817
elections, to answer questions regarding elections, or to discuss 26818
the interpretation of directives, advisories, or other 26819
instructions issued by the secretary of state are posted on a web 26820
site of the office of the secretary of state as soon as is 26821

practicable after the completion of the conference or 26822
teleconference call, but not later than the close of business on 26823
the same day as the conference or teleconference call takes place. 26824

(X) Publish a report on a web site of the office of the 26825
secretary of state not later than one month after the completion 26826
of the canvass of the election returns for each primary and 26827
general election, identifying, by county, the number of absent 26828
voter's ballots cast and the number of those ballots that were 26829
counted, and the number of provisional ballots cast and the number 26830
of those ballots that were counted, for that election. The 26831
secretary of state shall maintain the information on the web site 26832
in an archive format for each subsequent election. 26833

(Y) Conduct voter education outlining voter identification, 26834
absent voters ballot, provisional ballot, and other voting 26835
requirements; 26836

(Z) Establish a procedure by which a registered elector may 26837
~~update the elector's~~ make available to a board of elections a more 26838
recent signature to be used in the poll list or signature pollbook 26839
produced by the board of elections of the county in which the 26840
elector resides; 26841

(AA) Disseminate information, which may include all or part 26842
of the official explanations and arguments, by means of direct 26843
mail or other written publication, broadcast, or other means or 26844
combination of means, as directed by the Ohio ballot board under 26845
division (F) of section 3505.062 of the Revised Code, in order to 26846
inform the voters as fully as possible concerning each proposed 26847
constitutional amendment, proposed law, or referendum; 26848

(BB) Perform other duties required by law. 26849

Whenever a primary election is held under section 3513.32 of 26850
the Revised Code or a special election is held under section 26851
3521.03 of the Revised Code to fill a vacancy in the office of 26852

representative to congress, the secretary of state shall establish 26853
a deadline, notwithstanding any other deadline required under the 26854
Revised Code, by which any or all of the following shall occur: 26855
the filing of a declaration of candidacy and petitions or a 26856
statement of candidacy and nominating petition together with the 26857
applicable filing fee; the filing of protests against the 26858
candidacy of any person filing a declaration of candidacy or 26859
nominating petition; the filing of a declaration of intent to be a 26860
write-in candidate; the filing of campaign finance reports; the 26861
preparation of, and the making of corrections or challenges to, 26862
precinct voter registration lists; the receipt of applications for 26863
absent voter's ballots or armed service absent voter's ballots; 26864
the supplying of election materials to precincts by boards of 26865
elections; the holding of hearings by boards of elections to 26866
consider challenges to the right of a person to appear on a voter 26867
registration list; and the scheduling of programs to instruct or 26868
reinstruct election officers. 26869

In the performance of the secretary of state's duties as the 26870
chief election officer, the secretary of state may administer 26871
oaths, issue subpoenas, summon witnesses, compel the production of 26872
books, papers, records, and other evidence, and fix the time and 26873
place for hearing any matters relating to the administration and 26874
enforcement of the election laws. 26875

In any controversy involving or arising out of the adoption 26876
of registration or the appropriation of funds for registration, 26877
the secretary of state may, through the attorney general, bring an 26878
action in the name of the state in the court of common pleas of 26879
the county where the cause of action arose or in an adjoining 26880
county, to adjudicate the question. 26881

In any action involving the laws in Title XXXV of the Revised 26882
Code wherein the interpretation of those laws is in issue in such 26883
a manner that the result of the action will affect the lawful 26884

duties of the secretary of state or of any board of elections, the 26885
secretary of state may, on the secretary of state's motion, be 26886
made a party. 26887

The secretary of state may apply to any court that is hearing 26888
a case in which the secretary of state is a party, for a change of 26889
venue as a substantive right, and the change of venue shall be 26890
allowed, and the case removed to the court of common pleas of an 26891
adjoining county named in the application or, if there are cases 26892
pending in more than one jurisdiction that involve the same or 26893
similar issues, the court of common pleas of Franklin county. 26894

Public high schools and vocational schools, public libraries, 26895
and the office of a county treasurer shall implement voter 26896
registration programs as directed by the secretary of state 26897
pursuant to this section. 26898

Sec. 3501.11. Each board of elections shall exercise by a 26899
majority vote all powers granted to the board by Title XXXV of the 26900
Revised Code, shall perform all the duties imposed by law, and 26901
shall do all of the following: 26902

(A) Establish, define, provide, rearrange, and combine 26903
election precincts; 26904

(B) Fix and provide the places for registration and for 26905
holding primaries and elections; 26906

(C) Provide for the purchase, preservation, and maintenance 26907
of booths, ballot boxes, books, maps, flags, blanks, cards of 26908
instructions, and other forms, papers, and equipment used in 26909
registration, nominations, and elections; 26910

(D) Appoint and remove its director, deputy director, and 26911
employees and all registrars, judges, and other officers of 26912
elections, fill vacancies, and designate the ward or district and 26913
precinct in which each shall serve; 26914

(E) Make and issue rules and instructions, not inconsistent with law or the rules, directives, or advisories issued by the secretary of state, as it considers necessary for the guidance of election officers and voters;

(F) Advertise and contract for the printing of all ballots and other supplies used in registrations and elections;

(G) Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section 3501.17 and divisions (F) and (G) of section 3505.062 of the Revised Code;

(H) Provide for the delivery of ballots, pollbooks, and other required papers and material to the polling places;

(I) Cause the polling places to be suitably provided with voting machines, marking devices, automatic tabulating equipment, stalls, and other required supplies. In fulfilling this duty, each board of a county that uses voting machines, marking devices, or automatic tabulating equipment shall conduct a full vote of the board during a public session of the board on the allocation and distribution of voting machines, marking devices, and automatic tabulating equipment for each precinct in the county.

(J) Investigate irregularities, nonperformance of duties, or violations of Title XXXV of the Revised Code by election officers and other persons; administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with any such investigation; and report the facts to the prosecuting attorney;

(K) Review, examine, and certify the sufficiency and validity of petitions and nomination papers, and, after certification, return to the secretary of state all petitions and nomination papers that the secretary of state forwarded to the board;

(L) Receive the returns of elections, canvass the returns,

make abstracts of them, and transmit those abstracts to the proper authorities;	26946 26947
(M) Issue certificates of election on forms to be prescribed by the secretary of state;	26948 26949
(N) Make an annual report to the secretary of state, on the form prescribed by the secretary of state, containing a statement of the number of voters registered, elections held, votes cast, appropriations received, expenditures made, and other data required by the secretary of state;	26950 26951 26952 26953 26954
(O) Prepare and submit to the proper appropriating officer a budget estimating the cost of elections for the ensuing fiscal year;	26955 26956 26957
(P) Perform other duties as prescribed by law or the rules, directives, or advisories of the secretary of state;	26958 26959
(Q) Investigate and determine the residence qualifications of electors;	26960 26961
(R) Administer oaths in matters pertaining to the administration of the election laws;	26962 26963
(S) Prepare and submit to the secretary of state, whenever the secretary of state requires, a report containing the names and residence addresses of all incumbent county, municipal, township, and board of education officials serving in their respective counties;	26964 26965 26966 26967 26968
(T) Establish and maintain a voter registration <u>database</u> of all qualified electors in the county who offer to register;	26969 26970
(U) Maintain voter registration records, make reports concerning voter registration as required by the secretary of state, and remove ineligible electors from voter registration lists in accordance with law and directives of the secretary of state;	26971 26972 26973 26974 26975

designated site on that day. 27007

Sec. 3501.17. (A) The expenses of the board of elections 27008
shall be paid from the county treasury, in pursuance of 27009
appropriations by the board of county commissioners, in the same 27010
manner as other county expenses are paid. If the board of county 27011
commissioners fails to appropriate an amount sufficient to provide 27012
for the necessary and proper expenses of the board of elections 27013
pertaining to the conduct of elections, the board of elections may 27014
apply to the court of common pleas within the county, which shall 27015
fix the amount necessary to be appropriated and the amount shall 27016
be appropriated. Payments shall be made upon vouchers of the board 27017
of elections certified to by its chairperson or acting chairperson 27018
and the director or deputy director, upon warrants of the county 27019
auditor. 27020

The board of elections shall not incur any obligation 27021
involving the expenditure of money unless there are moneys 27022
sufficient in the funds appropriated therefor to meet the 27023
obligation. If the board of elections requests a transfer of funds 27024
from one of its appropriation items to another, the board of 27025
county commissioners shall adopt a resolution providing for the 27026
transfer except as otherwise provided in section 5705.40 of the 27027
Revised Code. The expenses of the board of elections shall be 27028
apportioned among the county and the various subdivisions as 27029
provided in this section, and the amount chargeable to each 27030
subdivision shall be withheld by the auditor from the moneys 27031
payable thereto at the time of the next tax settlement. At the 27032
time of submitting budget estimates in each year, the board of 27033
elections shall submit to the taxing authority of each 27034
subdivision, upon the request of the subdivision, an estimate of 27035
the amount to be withheld from the subdivision during the next 27036
fiscal year. 27037

(B) Except as otherwise provided in division (F) of this section, the ~~entire~~ compensation of the members of the board of elections and of the director, deputy director, and ~~other~~ regular employees in the board's offices, other than compensation for overtime worked; the expenditures for the rental, furnishing, and equipping of the office of the board and for the necessary office supplies for the use of the board; the expenditures for the acquisition, repair, care, and custody of the polling places, booths, guardrails, and other equipment for polling places; the cost of ~~pollbooks~~, tally sheets, maps, flags, ballot boxes, and all other permanent records and equipment; the cost of all elections held in and for the state and county; and all other expenses of the board which are not chargeable to a political subdivision in accordance with this section shall be paid in the same manner as other county expenses are paid.

(C) The compensation of judges ~~and clerks~~ of elections and intermittent employees in the board's offices; the cost of renting, moving, heating, and lighting polling places and of placing and removing ballot boxes and other fixtures and equipment thereof, including voting machines, marking devices, and automatic tabulating equipment; the cost of printing and delivering ballots, cards of instructions, registration lists required under section 3503.23 of the Revised Code, and other election supplies, including the supplies required to comply with division (H) of section 3506.01 of the Revised Code; the cost of contractors engaged by the board to prepare, program, test, and operate voting machines, marking devices, and automatic tabulating equipment; and all other expenses of conducting primaries and elections in the odd-numbered years shall be charged to the subdivisions in and for which such primaries or elections are held. The charge for each primary or general election in odd-numbered years for each subdivision shall be determined in the following manner: first, the total cost of all chargeable items used in conducting such

elections shall be ascertained; second, the total charge shall be 27071
divided by the number of precincts participating in such election, 27072
in order to fix the cost per precinct; third, the cost per 27073
precinct shall be prorated by the board of elections to the 27074
subdivisions conducting elections for the nomination or election 27075
of offices in such precinct; fourth, the total cost for each 27076
subdivision shall be determined by adding the charges prorated to 27077
it in each precinct within the subdivision. 27078

(D) The entire cost of special elections held on a day other 27079
than the day of a primary or general election, both in 27080
odd-numbered or in even-numbered years, shall be charged to the 27081
subdivision. Where a special election is held on the same day as a 27082
primary or general election in an even-numbered year, the 27083
subdivision submitting the special election shall be charged only 27084
for the cost of ballots and advertising. Where a special election 27085
is held on the same day as a primary or general election in an 27086
odd-numbered year, the subdivision submitting the special election 27087
shall be charged for the cost of ballots and advertising for such 27088
special election, in addition to the charges prorated to such 27089
subdivision for the election or nomination of candidates in each 27090
precinct within the subdivision, as set forth in the preceding 27091
paragraph. 27092

(E) Where a special election is held on the day specified by 27093
division (E) of section 3501.01 of the Revised Code for the 27094
holding of a primary election, for the purpose of submitting to 27095
the voters of the state constitutional amendments proposed by the 27096
general assembly, and a subdivision conducts a special election on 27097
the same day, the entire cost of the special election shall be 27098
divided proportionally between the state and the subdivision based 27099
upon a ratio determined by the number of issues placed on the 27100
ballot by each, except as otherwise provided in division (G) of 27101
this section. Such proportional division of cost shall be made 27102

only to the extent funds are available for such purpose from 27103
amounts appropriated by the general assembly to the secretary of 27104
state. If a primary election is also being conducted in the 27105
subdivision, the costs shall be apportioned as otherwise provided 27106
in this section. 27107

(F) When a precinct is open during a general, primary, or 27108
special election solely for the purpose of submitting to the 27109
voters a statewide ballot issue, the state shall bear the entire 27110
cost of the election in that precinct and shall reimburse the 27111
county for all expenses incurred in opening the precinct. 27112

(G) The state shall bear the entire cost of advertising in 27113
newspapers statewide ballot issues, explanations of those issues, 27114
and arguments for or against those issues, as required by Section 27115
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 27116
and any other section of law ~~and~~. The general assembly shall 27117
appropriate to the Ohio ballot board the funds required for such 27118
advertising. The Ohio ballot board shall reimburse the ~~counties~~ 27119
secretary of state for all expenses ~~they incur~~ the secretary of 27120
state incurs for such advertising under division (G) of section 27121
3505.062 of the Revised Code. 27122

(H) The cost of renting, heating, and lighting registration 27123
places; the cost of the necessary books, forms, and supplies for 27124
the conduct of registration; and the cost of printing and posting 27125
precinct registration lists shall be charged to the subdivision in 27126
which such registration is held. 27127

(I) As used in this section, ~~"statewide:~~ 27128

(1) "Political subdivision" and "subdivision" mean any board 27129
of county commissioners, board of township trustees, legislative 27130
authority of a municipal corporation, board of education, or any 27131
other board, commission, district, or authority that is empowered 27132
to levy taxes or permitted to receive the proceeds of a tax levy, 27133

regardless of whether the entity receives tax settlement moneys as 27134
described in division (A) of this section; 27135

(2) "Statewide ballot issue" means any ballot issue, whether 27136
proposed by the general assembly or by initiative or referendum, 27137
that is submitted to the voters throughout the state. 27138

Sec. 3501.31. The board of elections shall mail to each 27139
precinct election official notice of the date, hours, and place of 27140
holding each election in the official's respective precinct at 27141
which it desires the official to serve. Each of such officials 27142
shall notify the board immediately upon receipt of such notice of 27143
any inability to serve. 27144

The election official designated as presiding judge under 27145
section 3501.22 of the Revised Code shall call at the office of 27146
the board at such time before the day of the election, not earlier 27147
than the tenth day before the day of the election, as the board 27148
designates to obtain the ballots, pollbooks, registration forms 27149
and lists, and other material to be used in the official's polling 27150
place on election day. 27151

The board may also provide for the delivery of such materials 27152
to polling places in a municipal corporation by members of the 27153
police department of such municipal corporation; or the board may 27154
provide for the delivery of such materials to the presiding judge 27155
not earlier than the tenth day before the election, in any manner 27156
it finds to be advisable. 27157

On election day the precinct election officials shall 27158
punctually attend the polling place one-half hour before the time 27159
fixed for opening the polls. Each of the precinct election 27160
officials shall thereupon make and subscribe to a statement which 27161
shall be as follows: 27162

"State of Ohio 27163

County of 27164

I do solemnly swear under the penalty of perjury that I will 27165
support the constitution of the United States of America and the 27166
constitution of the state of Ohio and its laws; that I have not 27167
been convicted of a felony or any violation of the election laws; 27168
that I will discharge to the best of my ability the duties of 27169
~~..... (judge or clerk)~~ judge 27170
of election in and for precinct in the 27171
..... (township) or (ward and city or village) 27172
..... in the county of, in the 27173
election to be held on the day of, 27174
....., as required by law and the rules and instructions of the 27175
board of elections of said county; and that I will endeavor to 27176
prevent fraud in such election, and will report immediately to 27177
said board any violations of the election laws which come to my 27178
attention, and will not disclose any information as to how any 27179
elector voted which is gained by me in the discharge of my 27180
official duties. 27181

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(Signatures of precinct election officials)" 27188

If any of the other precinct officials is absent at that 27189
time, the presiding judge, with the concurrence of a majority of 27190
the precinct election officials present, shall appoint a qualified 27191
elector who is a member of the same political party as the 27192
political party of which such absent precinct election official is 27193

a member to fill the vacancy until the board appoints a person to 27194
fill such vacancy and the person so appointed reports for duty at 27195
the polling place. The presiding judge shall promptly notify the 27196
board of such vacancy by telephone or otherwise. The presiding 27197
judge also shall assign the precinct election officials to their 27198
respective duties and shall have general charge of the polling 27199
place. 27200

Sec. 3505.062. The Ohio ballot board shall do all of the 27201
following: 27202

(A) Examine, within ten days after its receipt, each written 27203
initiative petition received from the attorney general under 27204
section 3519.01 of the Revised Code to determine whether it 27205
contains only one proposed law or constitutional amendment so as 27206
to enable the voters to vote on a proposal separately. If the 27207
board so determines, it shall certify its approval to the attorney 27208
general, who then shall file with the secretary of state in 27209
accordance with division (A) of section 3519.01 of the Revised 27210
Code a verified copy of the proposed law or constitutional 27211
amendment together with its summary and the attorney general's 27212
certification of it. 27213

If the board determines that the initiative petition contains 27214
more than one proposed law or constitutional amendment, the board 27215
shall divide the initiative petition into individual petitions 27216
containing only one proposed law or constitutional amendment so as 27217
to enable the voters to vote on each proposal separately and 27218
certify its approval to the attorney general. If the board so 27219
divides an initiative petition and so certifies its approval to 27220
the attorney general, the petitioners shall resubmit to the 27221
attorney general appropriate summaries for each of the individual 27222
petitions arising from the board's division of the initiative 27223
petition, and the attorney general then shall review the 27224

resubmissions as provided in division (A) of section 3519.01 of the Revised Code. 27225
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(B) Prescribe the ballot language for constitutional amendments proposed by the general assembly to be printed on the questions and issues ballot, which language shall properly identify the substance of the proposal to be voted upon; 27227
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(C) Prepare an explanation of each constitutional amendment proposed by the general assembly, which explanation may include the purpose and effects of the proposed amendment; 27231
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(D) Certify the ballot language and explanation, if any, to the secretary of state no later than seventy-five days before the election at which the proposed question or issue is to be submitted to the voters; 27234
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(E) Prepare, or designate a group of persons to prepare, arguments in support of or in opposition to a constitutional amendment proposed by a resolution of the general assembly, a constitutional amendment or state law proposed by initiative petition, or a state law, or section or item of state law, subject to a referendum petition, if the persons otherwise responsible for the preparation of those arguments fail to timely prepare and file them; 27238
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(F) Direct the means by which the secretary of state shall disseminate information concerning proposed constitutional amendments, proposed laws, and referenda to the voters; 27246
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(G) Direct the ~~chairperson to reimburse county boards of elections for public notice costs associated with statewide ballot issues, to the extent that the general assembly appropriates money for that purpose~~ secretary of state to contract for the publication in a newspaper of general circulation in each county in the state of the ballot language, explanations, and arguments regarding each of the following: 27249
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<u>(1) A constitutional amendment or law proposed by initiative petition under Section 1g of Article II of the Ohio Constitution;</u>	27256
	27257
<u>(2) A law, section, or item of law submitted to the electors by referendum petition under Section 1g of Article II of the Ohio Constitution;</u>	27258
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<u>(3) A constitutional amendment submitted to the electors by the general assembly under Section 1 of Article XVI of the Ohio Constitution.</u>	27261
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	27263
 Sec. 3505.063. (A) When the general assembly adopts a resolution proposing a constitutional amendment, it may, by resolution, designate a group of members who voted in support of the resolution to prepare arguments for the proposed amendment, and a group of members who voted in opposition to the resolution to prepare arguments against the proposed amendment. If no members voted in opposition to the resolution, or if the general assembly chooses not to designate a group of members to prepare arguments for the proposed amendment or chooses not to designate a group of members to prepare arguments against the proposed amendment, the Ohio ballot board shall prepare or designate a group of persons to prepare the relevant arguments. All arguments prepared under this division shall be filed with the secretary of state not later than eighty days before the date of the election. No argument shall exceed three hundred words.	27264
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(B)(1) If the group of members of the general assembly or other group of persons designated under division (A) of this section fail to prepare and file their arguments in support of or in opposition to the proposed amendment by the eightieth day before the date of the election, the secretary of state shall notify the Ohio ballot board that those arguments have not been so prepared and filed. The board then shall prepare the missing arguments or designate a group of persons to prepare those	27279
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arguments. All arguments prepared under this division shall be 27287
filed with the secretary of state not later than seventy-five days 27288
before the date of the election. No argument shall exceed three 27289
hundred words. 27290

(2) If the Ohio ballot board fails to provide for the 27291
preparation of missing arguments under division (B)(1) of this 27292
section after being notified by the secretary of state that one or 27293
more arguments have not been timely prepared and filed, the 27294
positions of the four appointed members of the board shall be 27295
considered vacant, and new members shall be appointed in the 27296
manner provided for original appointments. 27297

~~(C) The secretary of state shall disseminate information, 27298
which may include part or all of the official explanation and 27299
arguments concerning proposed amendments, by means of direct mail 27300
or other written publication, broadcast, or other means or 27301
combination of means, as the Ohio ballot board may direct, in 27302
order to inform the voters as fully as possible concerning 27303
proposed amendments. 27304~~

Sec. 3505.23. No voter shall be allowed to occupy a voting 27305
compartment or use a voting machine more than five minutes when 27306
all the voting compartments or machines are in use and voters are 27307
waiting to occupy them. Except as otherwise provided by section 27308
3505.24 of the Revised Code, no voter shall occupy a voting 27309
compartment or machine with another person or speak to anyone, nor 27310
shall anyone speak to the voter, while the voter is in a voting 27311
compartment or machine. 27312

In precincts that do not use voting machines the following 27313
procedure shall be followed: 27314

If a voter tears, soils, defaces, or erroneously marks a 27315
ballot the voter may return it to the precinct election officials 27316
and a second ballot shall be issued to the voter. Before returning 27317

a torn, soiled, defaced, or erroneously marked ballot, the voter 27318
shall fold it so as to conceal any marks the voter made upon it, 27319
but the voter shall not remove Stub A therefrom. If the voter 27320
tears, soils, defaces, or erroneously marks such second ballot, 27321
the voter may return it to the precinct election officials, and a 27322
third ballot shall be issued to the voter. In no case shall more 27323
than three ballots be issued to a voter. Upon receiving a returned 27324
torn, soiled, defaced, or erroneously marked ballot the precinct 27325
election officials shall detach Stub A therefrom, write "Defaced" 27326
on the back of such ballot, and place the stub and the ballot in 27327
the separate containers provided therefor. 27328

No elector shall leave the polling place until the elector 27329
returns to the precinct election officials every ballot issued to 27330
the elector with Stub A on each ballot attached thereto, 27331
regardless of whether the elector has or has not placed any marks 27332
upon the ballot. 27333

Before leaving the voting compartment, the voter shall fold 27334
each ballot marked by the voter so that no part of the face of the 27335
ballot is visible, and so that the printing thereon indicating the 27336
kind of ballot it is and the facsimile signatures of the members 27337
of the board of elections are visible. The voter shall then leave 27338
the voting compartment, deliver the voter's ballots, and state the 27339
voter's name to the judge having charge of the ballot boxes, who 27340
shall announce the name, detach Stub A from each ballot, and 27341
announce the number on the stubs. The ~~clerks~~ judges in charge of 27342
the poll lists or poll books shall check to ascertain whether the 27343
number so announced is the number on Stub B of the ballots issued 27344
to such voter, and if no discrepancy appears to exist, the judge 27345
in charge of the ballot boxes shall, in the presence of the voter, 27346
deposit each such ballot in the proper ballot box and shall place 27347
Stub A from each ballot in the container provided therefor. The 27348
voter shall then immediately leave the polling place. 27349

No ballot delivered by a voter to the judge in charge of the ballot boxes with Stub A detached therefrom, and only ballots provided in accordance with Title XXXV of the Revised Code, shall be voted or deposited in the ballot boxes.

In marking a presidential ballot, the voter shall record the vote in the manner provided on the ballot next to the names of the candidates for the offices of president and vice-president. Such ballot shall be considered and counted as a vote for each of the candidates for election as presidential elector whose names were certified to the secretary of state by the political party of such nominees for president and vice-president.

In marking an office type ballot or nonpartisan ballot, the voter shall record the vote in the manner provided on the ballot next to the name of each candidate for whom the voter desires to vote.

In marking a primary election ballot, the voter shall record the vote in the manner provided on the ballot next to the name of each candidate for whom the voter desires to vote. If the voter desires to vote for the nomination of a person whose name is not printed on the primary election ballot, the voter may do so by writing such person's name on the ballot in the proper place provided for such purpose.

In marking a questions and issues ballot, the voter shall record the vote in the manner provided on the ballot at the left or at the right of "YES" or "NO" or other words of similar import which are printed on the ballot to enable the voter to indicate how the voter votes in connection with each question or issue upon which the voter desires to vote.

In marking any ballot on which a blank space has been provided wherein an elector may write in the name of a person for whom ~~he~~ the elector desires to vote, the elector shall write such

person's name in such blank space and on no other place on the 27381
ballot. Unless specific provision is made by statute, no blank 27382
space shall be provided on a ballot for write-in votes, and any 27383
names written on a ballot other than in a blank space provided 27384
therefor shall not be counted or recorded. 27385

Sec. 3513.21. At the close of the polls in a primary 27386
election, the judges ~~and clerks~~ of election shall proceed without 27387
delay to canvass the vote, sign and seal it, and make returns 27388
thereof to the board of elections forthwith on the forms to be 27389
provided by the board. The provisions of Title XXXV of the Revised 27390
Code relating to the accounting for and return of all ballots at 27391
general elections apply to primary ballots. 27392

If there is any disagreement as to how a ballot should be 27393
counted it shall be submitted to all of the judges. If three of 27394
the judges do not agree as to how any part of the ballot shall be 27395
counted, that part of such ballot which three of the judges do 27396
agree shall be counted and a notation made upon the ballot 27397
indicating what part has not been counted, and shall be placed in 27398
an envelope provided for that purpose, marked "Disputed Ballots" 27399
and returned to the board. ~~When the board has, by the adoption of~~ 27400
~~a resolution, provided that the officials at a party primary~~ 27401
~~election when only one party primary is to be held for the~~ 27402
~~nomination of candidates for municipal office, shall be two judges~~ 27403
~~and two clerks, the clerks shall be considered judges for the~~ 27404
~~purposes of this section.~~ 27405

The board shall, on the day when the vote is canvassed, open 27406
such sealed envelopes, determine what ballots and for whom they 27407
should be counted, and proceed to count and tally the votes on 27408
such ballots. 27409

Sec. 3517.106. (A) As used in this section: 27410

(1) "Statewide office" means any of the offices of governor,	27411
lieutenant governor, secretary of state, auditor of state,	27412
treasurer of state, attorney general, chief justice of the supreme	27413
court, and justice of the supreme court.	27414
(2) "Addendum to a statement" includes an amendment or other	27415
correction to that statement.	27416
(B)(1) The secretary of state shall store on computer the	27417
information contained in statements of contributions and	27418
expenditures and monthly statements required to be filed under	27419
section 3517.10 of the Revised Code and in statements of	27420
independent expenditures required to be filed under section	27421
3517.105 of the Revised Code by any of the following:	27422
(a) The campaign committees of candidates for statewide	27423
office;	27424
(b) The political action committees and political	27425
contributing entities described in division (A)(1) of section	27426
3517.11 of the Revised Code;	27427
(c) Legislative campaign funds;	27428
(d) State political parties;	27429
(e) Individuals, partnerships, corporations, labor	27430
organizations, or other entities that make independent	27431
expenditures in support of or opposition to a statewide candidate	27432
or a statewide ballot issue or question;	27433
(f) The campaign committees of candidates for the office of	27434
member of the general assembly;	27435
(g) County political parties, with respect to their state	27436
candidate funds.	27437
(2) The secretary of state shall store on computer the	27438
information contained in disclosure of electioneering	27439
communications statements required to be filed under section	27440

3517.1011 of the Revised Code. 27441

(3) The secretary of state shall store on computer the 27442
information contained in deposit and disbursement statements 27443
required to be filed with the office of the secretary of state 27444
under section 3517.1012 of the Revised Code. 27445

(4) The secretary of state shall store on computer the gift 27446
and disbursement information contained in statements required to 27447
be filed with the office of the secretary of state under section 27448
3517.1013 of the Revised Code. 27449

(C)(1) The secretary of state shall make available to the 27450
campaign committees, political action committees, political 27451
contributing entities, legislative campaign funds, political 27452
parties, individuals, partnerships, corporations, labor 27453
organizations, and other entities described in division (B) of 27454
this section, and to members of the news media and other 27455
interested persons, for a reasonable fee, computer programs that 27456
are compatible with the secretary of state's method of storing the 27457
information contained in the statements. 27458

(2) The secretary of state shall make the information 27459
required to be stored under division (B) of this section available 27460
on computer at the secretary of state's office so that, to the 27461
maximum extent feasible, individuals may obtain at the secretary 27462
of state's office any part or all of that information for any 27463
given year, subject to the limitation expressed in division (D) of 27464
this section. 27465

(D) The secretary of state shall keep the information stored 27466
on computer under division (B) of this section for at least six 27467
years. 27468

(E)(1) Subject to division (L) of this section and subject to 27469
the secretary of state having implemented, tested, and verified 27470
the successful operation of any system the secretary of state 27471

prescribes pursuant to division (H)(1) of this section and 27472
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 27473
Code for the filing of campaign finance statements by electronic 27474
means of transmission, the campaign committee of each candidate 27475
for statewide office may file the statements prescribed by section 27476
3517.10 of the Revised Code by electronic means of transmission 27477
or, if the total amount of the contributions received or the total 27478
amount of the expenditures made by the campaign committee for the 27479
applicable reporting period as specified in division (A) of 27480
section 3517.10 of the Revised Code exceeds ten thousand dollars, 27481
shall file those statements by electronic means of transmission. 27482

Except as otherwise provided in this division, within five 27483
business days after a statement filed by a campaign committee of a 27484
candidate for statewide office is received by the secretary of 27485
state by electronic or other means of transmission, the secretary 27486
of state shall make available online to the public through the 27487
internet, as provided in division (I) of this section, the 27488
contribution and expenditure information in that statement. The 27489
secretary of state shall not make available online to the public 27490
through the internet any contribution or expenditure information 27491
contained in a statement for any candidate until the secretary of 27492
state is able to make available online to the public through the 27493
internet the contribution and expenditure information for all 27494
candidates for a particular office, or until the applicable filing 27495
deadline for that statement has passed, whichever is sooner. As 27496
soon as the secretary of state has available all of the 27497
contribution and expenditure information for all candidates for a 27498
particular office, or as soon as the applicable filing deadline 27499
for a statement has passed, whichever is sooner, the secretary of 27500
state shall simultaneously make available online to the public 27501
through the internet the information for all candidates for that 27502
office. 27503

If a statement filed by electronic means of transmission is 27504
found to be incomplete or inaccurate after the examination of the 27505
statement for completeness and accuracy pursuant to division 27506
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 27507
committee shall file by electronic means of transmission any 27508
addendum to the statement that provides the information necessary 27509
to complete or correct the statement or, if required by the 27510
secretary of state under that division, an amended statement. 27511

Within five business days after the secretary of state 27512
receives from a campaign committee of a candidate for statewide 27513
office an addendum to the statement or an amended statement by 27514
electronic or other means of transmission under this division or 27515
division (B)(3)(a) of section 3517.11 of the Revised Code, the 27516
secretary of state shall make the contribution and expenditure 27517
information in the addendum or amended statement available online 27518
to the public through the internet as provided in division (I) of 27519
this section. 27520

(2) Subject to the secretary of state having implemented, 27521
tested, and verified the successful operation of any system the 27522
secretary of state prescribes pursuant to division (H)(1) of this 27523
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 27524
the Revised Code for the filing of campaign finance statements by 27525
electronic means of transmission, a political action committee and 27526
a political contributing entity described in division (B)(1)(b) of 27527
this section, a legislative campaign fund, and a state political 27528
party may file the statements prescribed by section 3517.10 of the 27529
Revised Code by electronic means of transmission or, if the total 27530
amount of the contributions received or the total amount of the 27531
expenditures made by the political action committee, political 27532
contributing entity, legislative campaign fund, or state political 27533
party for the applicable reporting period as specified in division 27534
(A) of section 3517.10 of the Revised Code exceeds ten thousand 27535

dollars, shall file those statements by electronic means of transmission. 27536
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Within five business days after a statement filed by a political action committee or a political contributing entity described in division (B)(1)(b) of this section, a legislative campaign fund, or a state political party is received by the secretary of state by electronic or other means of transmission, the secretary of state shall make available online to the public through the internet, as provided in division (I) of this section, the contribution and expenditure information in that statement. 27538
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If a statement filed by electronic means of transmission is found to be incomplete or inaccurate after the examination of the statement for completeness and accuracy pursuant to division (B)(3)(a) of section 3517.11 of the Revised Code, the political action committee, political contributing entity, legislative campaign fund, or state political party shall file by electronic means of transmission any addendum to the statement that provides the information necessary to complete or correct the statement or, if required by the secretary of state under that division, an amended statement. 27546
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Within five business days after the secretary of state receives from a political action committee or a political contributing entity described in division (B)(1)(b) of this section, a legislative campaign fund, or a state political party an addendum to the statement or an amended statement by electronic or other means of transmission under this division or division (B)(3)(a) of section 3517.11 of the Revised Code, the secretary of state shall make the contribution and expenditure information in the addendum or amended statement available online to the public through the internet as provided in division (I) of this section. 27556
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(3) Subject to the secretary of state having implemented, tested, and verified the successful operation of any system the 27566
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secretary of state prescribes pursuant to division (H)(1) of this 27568
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 27569
the Revised Code for the filing of campaign finance statements by 27570
electronic means of transmission, a county political party shall 27571
file the statements prescribed by section 3517.10 of the Revised 27572
Code with respect to its state candidate fund by electronic means 27573
of transmission to the office of the secretary of state. 27574

Within five business days after a statement filed by a county 27575
political party with respect to its state candidate fund is 27576
received by the secretary of state by electronic means of 27577
transmission, the secretary of state shall make available online 27578
to the public through the internet, as provided in division (I) of 27579
this section, the contribution and expenditure information in that 27580
statement. 27581

If a statement is found to be incomplete or inaccurate after 27582
the examination of the statement for completeness and accuracy 27583
pursuant to division (B)(3)(a) of section 3517.11 of the Revised 27584
Code, a county political party shall file by electronic means of 27585
transmission any addendum to the statement that provides the 27586
information necessary to complete or correct the statement or, if 27587
required by the secretary of state under that division, an amended 27588
statement. 27589

Within five business days after the secretary of state 27590
receives from a county political party an addendum to the 27591
statement or an amended statement by electronic means of 27592
transmission under this division or division (B)(3)(a) of section 27593
3517.11 of the Revised Code, the secretary of state shall make the 27594
contribution and expenditure information in the addendum or 27595
amended statement available online to the public through the 27596
internet as provided in division (I) of this section. 27597

(F)(1) Subject to division (L) of this section and subject to 27598
the secretary of state having implemented, tested, and verified 27599

the successful operation of any system the secretary of state 27600
prescribes pursuant to division (H)(1) of this section and 27601
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 27602
Code for the filing of campaign finance statements by electronic 27603
means of transmission, a campaign committee of a candidate for the 27604
office of member of the general assembly or a campaign committee 27605
of a candidate for the office of judge of a court of appeals may 27606
file the statements prescribed by section 3517.10 of the Revised 27607
Code in accordance with division (A)(2) of section 3517.11 of the 27608
Revised Code or by electronic means of transmission to the office 27609
of the secretary of state or, if the total amount of the 27610
contributions received by the campaign committee for the 27611
applicable reporting period as specified in division (A) of 27612
section 3517.10 of the Revised Code exceeds ten thousand dollars, 27613
shall file those statements by electronic means of transmission to 27614
the office of the secretary of state. 27615

Except as otherwise provided in this division, within five 27616
business days after a statement filed by a campaign committee of a 27617
candidate for the office of member of the general assembly or a 27618
campaign committee of a candidate for the office of judge of a 27619
court of appeals is received by the secretary of state by 27620
electronic or other means of transmission, the secretary of state 27621
shall make available online to the public through the internet, as 27622
provided in division (I) of this section, the contribution and 27623
expenditure information in that statement. The secretary of state 27624
shall not make available online to the public through the internet 27625
any contribution or expenditure information contained in a 27626
statement for any candidate until the secretary of state is able 27627
to make available online to the public through the internet the 27628
contribution and expenditure information for all candidates for a 27629
particular office, or until the applicable filing deadline for 27630
that statement has passed, whichever is sooner. As soon as the 27631
secretary of state has available all of the contribution and 27632

expenditure information for all candidates for a particular 27633
office, or as soon as the applicable filing deadline for a 27634
statement has passed, whichever is sooner, the secretary of state 27635
shall simultaneously make available online to the public through 27636
the internet the information for all candidates for that office. 27637

If a statement filed by electronic means of transmission is 27638
found to be incomplete or inaccurate after the examination of the 27639
statement for completeness and accuracy pursuant to division 27640
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 27641
committee shall file by electronic means of transmission to the 27642
office of the secretary of state any addendum to the statement 27643
that provides the information necessary to complete or correct the 27644
statement or, if required by the secretary of state under that 27645
division, an amended statement. 27646

Within five business days after the secretary of state 27647
receives from a campaign committee of a candidate for the office 27648
of member of the general assembly or a campaign committee of a 27649
candidate for the office of judge of a court of appeals an 27650
addendum to the statement or an amended statement by electronic or 27651
other means of transmission under this division or division 27652
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 27653
state shall make the contribution and expenditure information in 27654
the addendum or amended statement available online to the public 27655
through the internet as provided in division (I) of this section. 27656

(2) If a statement, addendum, or amended statement is not 27657
filed by electronic means of transmission to the office of the 27658
secretary of state but is filed by printed version only under 27659
division (A)(2) of section 3517.11 of the Revised Code with the 27660
appropriate board of elections, the campaign committee of a 27661
candidate for the office of member of the general assembly or a 27662
campaign committee of a candidate for the office of judge of a 27663
court of appeals shall file two copies of the printed version of 27664

the statement, addendum, or amended statement with the board of 27665
elections. The board of elections shall send one of those copies 27666
by ~~overnight delivery service~~ certified mail to the secretary of 27667
state before the close of business on the day the board of 27668
elections receives the statement, addendum, or amended statement. 27669

(G) Subject to the secretary of state having implemented, 27670
tested, and verified the successful operation of any system the 27671
secretary of state prescribes pursuant to division (H)(1) of this 27672
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 27673
the Revised Code for the filing of campaign finance statements by 27674
electronic means of transmission, any individual, partnership, or 27675
other entity that makes independent expenditures in support of or 27676
opposition to a statewide candidate or a statewide ballot issue or 27677
question as provided in division (B)(2)(b) or (C)(2)(b) of section 27678
3517.105 of the Revised Code may file the statement specified in 27679
that division by electronic means of transmission or, if the total 27680
amount of independent expenditures made during the reporting 27681
period under that division exceeds ten thousand dollars, shall 27682
file the statement specified in that division by electronic means 27683
of transmission. 27684

Within five business days after a statement filed by an 27685
individual, partnership, or other entity is received by the 27686
secretary of state by electronic or other means of transmission, 27687
the secretary of state shall make available online to the public 27688
through the internet, as provided in division (I) of this section, 27689
the expenditure information in that statement. 27690

If a statement filed by electronic means of transmission is 27691
found to be incomplete or inaccurate after the examination of the 27692
statement for completeness and accuracy pursuant to division 27693
(B)(3)(a) of section 3517.11 of the Revised Code, the individual, 27694
partnership, or other entity shall file by electronic means of 27695
transmission any addendum to the statement that provides the 27696

information necessary to complete or correct the statement or, if 27697
required by the secretary of state under that division, an amended 27698
statement. 27699

Within five business days after the secretary of state 27700
receives from an individual, partnership, or other entity 27701
described in division (B)(2)(b) or (C)(2)(b) of section 3517.105 27702
of the Revised Code an addendum to the statement or an amended 27703
statement by electronic or other means of transmission under this 27704
division or division (B)(3)(a) of section 3517.11 of the Revised 27705
Code, the secretary of state shall make the expenditure 27706
information in the addendum or amended statement available online 27707
to the public through the internet as provided in division (I) of 27708
this section. 27709

(H)(1) The secretary of state, by rule adopted pursuant to 27710
section 3517.23 of the Revised Code, shall prescribe one or more 27711
techniques by which a person who executes and transmits by 27712
electronic means a statement of contributions and expenditures, a 27713
statement of independent expenditures, a disclosure of 27714
electioneering communications statement, a deposit and 27715
disbursement statement, or a gift and disbursement statement, an 27716
addendum to any of those statements, an amended statement of 27717
contributions and expenditures, an amended statement of 27718
independent expenditures, an amended disclosure of electioneering 27719
communications statement, an amended deposit and disbursement 27720
statement, or an amended gift and disbursement statement, under 27721
this section or section 3517.10, 3517.105, 3517.1011, 3517.1012, 27722
or 3517.1013 of the Revised Code shall electronically sign the 27723
statement, addendum, or amended statement. Any technique 27724
prescribed by the secretary of state pursuant to this division 27725
shall create an electronic signature that satisfies all of the 27726
following: 27727

(a) It is unique to the signer. 27728

(b) It objectively identifies the signer. 27729

(c) It involves the use of a signature device or other means 27730
or method that is under the sole control of the signer and that 27731
cannot be readily duplicated or compromised. 27732

(d) It is created and linked to the electronic record to 27733
which it relates in a manner that, if the record or signature is 27734
intentionally or unintentionally changed after signing, the 27735
electronic signature is invalidated. 27736

(2) An electronic signature prescribed by the secretary of 27737
state under division (H)(1) of this section shall be attached to 27738
or associated with the statement of contributions and 27739
expenditures, the statement of independent expenditures, the 27740
disclosure of electioneering communications statement, the deposit 27741
and disbursement statement, or the gift and disbursement 27742
statement, the addendum to any of those statements, the amended 27743
statement of contributions and expenditures, the amended statement 27744
of independent expenditures, the amended disclosure of 27745
electioneering communications statement, the amended deposit and 27746
disbursement statement, or the amended gift and disbursement 27747
statement that is executed and transmitted by electronic means by 27748
the person to whom the electronic signature is attributed. The 27749
electronic signature that is attached to or associated with the 27750
statement, addendum, or amended statement under this division 27751
shall be binding on all persons and for all purposes under the 27752
campaign finance reporting law as if the signature had been 27753
handwritten in ink on a printed form. 27754

(I) The secretary of state shall make the contribution and 27755
expenditure, the contribution and disbursement, the deposit and 27756
disbursement, or the gift and disbursement information in all 27757
statements, all addenda to the statements, and all amended 27758
statements that are filed with the secretary of state by 27759
electronic or other means of transmission under this section or 27760

section 3517.10, 3517.105, 3517.1011, 3517.1012, 3517.1013, or 27761
3517.11 of the Revised Code available online to the public by any 27762
means that are searchable, viewable, and accessible through the 27763
internet. 27764

(J)(1) As used in this division, "library" means a library 27765
that is open to the public and that is one of the following: 27766

(a) A library that is maintained and regulated under section 27767
715.13 of the Revised Code; 27768

(b) A library that is created, maintained, and regulated 27769
under Chapter 3375. of the Revised Code. 27770

(2) The secretary of state shall notify all libraries of the 27771
location on the internet at which the contribution and 27772
expenditure, contribution and disbursement, deposit and 27773
disbursement, or gift and disbursement information in campaign 27774
finance statements required to be made available online to the 27775
public through the internet pursuant to division (I) of this 27776
section may be accessed. 27777

If that location is part of the world wide web and if the 27778
secretary of state has notified a library of that world wide web 27779
location as required by this division, the library shall include a 27780
link to that world wide web location on each internet-connected 27781
computer it maintains that is accessible to the public. 27782

(3) If the system the secretary of state prescribes for the 27783
filing of campaign finance statements by electronic means of 27784
transmission pursuant to division (H)(1) of this section and 27785
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 27786
Code includes filing those statements through the internet via the 27787
world wide web, the secretary of state shall notify all libraries 27788
of the world wide web location at which those statements may be 27789
filed. 27790

If those statements may be filed through the internet via the 27791

world wide web and if the secretary of state has notified a 27792
library of that world wide web location as required by this 27793
division, the library shall include a link to that world wide web 27794
location on each internet-connected computer it maintains that is 27795
accessible to the public. 27796

(K) It is an affirmative defense to a complaint or charge 27797
brought against any campaign committee, political action 27798
committee, political contributing entity, legislative campaign 27799
fund, or political party, any individual, partnership, or other 27800
entity, or any person making disbursements to pay the direct costs 27801
of producing or airing electioneering communications, for the 27802
failure to file by electronic means of transmission a campaign 27803
finance statement as required by this section or section 3517.10, 27804
3517.105, 3517.1011, 3517.1012, or 3517.1013 of the Revised Code 27805
that all of the following apply to the campaign committee, 27806
political action committee, political contributing entity, 27807
legislative campaign fund, or political party, the individual, 27808
partnership, or other entity, or the person making disbursements 27809
to pay the direct costs of producing or airing electioneering 27810
communications, that failed to so file: 27811

(1) The campaign committee, political action committee, 27812
political contributing entity, legislative campaign fund, or 27813
political party, the individual, partnership, or other entity, or 27814
the person making disbursements to pay the direct costs of 27815
producing or airing electioneering communications attempted to 27816
file by electronic means of transmission the required statement 27817
prior to the deadline set forth in the applicable section. 27818

(2) The campaign committee, political action committee, 27819
political contributing entity, legislative campaign fund, or 27820
political party, the individual, partnership, or other entity, or 27821
the person making disbursements to pay the direct costs of 27822
producing or airing electioneering communications was unable to 27823

file by electronic means of transmission due to an expected or 27824
unexpected shutdown of the whole or part of the electronic 27825
campaign finance statement-filing system, such as for maintenance 27826
or because of hardware, software, or network connection failure. 27827

(3) The campaign committee, political action committee, 27828
political contributing entity, legislative campaign fund, or 27829
political party, the individual, partnership, or other entity, or 27830
the person making disbursements to pay the direct costs of 27831
producing or airing electioneering communications filed by 27832
electronic means of transmission the required statement within a 27833
reasonable period of time after being unable to so file it under 27834
the circumstance described in division (K)(2) of this section. 27835

(L)(1) The secretary of state shall adopt rules pursuant to 27836
Chapter 119. of the Revised Code to permit a campaign committee of 27837
a candidate for statewide office that makes expenditures of less 27838
than twenty-five thousand dollars during the filing period or a 27839
campaign committee for the office of member of the general 27840
assembly or the office of judge of a court of appeals that would 27841
otherwise be required to file campaign finance statements by 27842
electronic means of transmission under division (E) or (F) of this 27843
section to file those statements by paper with the office of the 27844
secretary of state. Those rules shall provide for all of the 27845
following: 27846

(a) An eligible campaign committee that wishes to file a 27847
campaign finance statement by paper instead of by electronic means 27848
of transmission shall file the statement on paper with the office 27849
of the secretary of state not sooner than twenty-four hours after 27850
the end of the filing period set forth in section 3517.10 of the 27851
Revised Code that is covered by the applicable statement. 27852

(b) The statement shall be accompanied by a fee, the amount 27853
of which the secretary of state shall determine by rule. The 27854
amount of the fee established under this division shall not exceed 27855

the data entry and data verification costs the secretary of state 27856
will incur to convert the information on the statement to an 27857
electronic format as required under division (I) of this section. 27858

(c) The secretary of state shall arrange for the information 27859
in campaign finance statements filed pursuant to division (L) of 27860
this section to be made available online to the public through the 27861
internet in the same manner, and at the same times, as information 27862
is made available under divisions (E), (F), and (I) of this 27863
section for candidates whose campaign committees file those 27864
statements by electronic means of transmission. 27865

(d) The candidate of an eligible campaign committee that 27866
intends to file a campaign finance statement pursuant to division 27867
(L) of this section shall file a notice indicating that the 27868
candidate's campaign committee intends to so file and stating that 27869
filing the statement by electronic means of transmission would 27870
constitute a hardship for the candidate or for the eligible 27871
campaign committee. 27872

(e) An eligible campaign committee that files a campaign 27873
finance statement on paper pursuant to division (L) of this 27874
section shall review the contribution and information made 27875
available online by the secretary of state with respect to that 27876
paper filing and shall notify the secretary of state of any errors 27877
with respect to that filing that appear in the data made available 27878
on that web site. 27879

(f) If an eligible campaign committee whose candidate has 27880
filed a notice in accordance with rules adopted under division 27881
(L)(1)(d) of this section subsequently fails to file that 27882
statement on paper by the applicable deadline established in rules 27883
adopted under division (L)(1)(a) of this section, penalties for 27884
the late filing of the campaign finance statement shall apply to 27885
that campaign committee for each day after that paper filing 27886
deadline, as if the campaign committee had filed the statement 27887

after the applicable deadline set forth in division (A) of section 27888
3517.10 of the Revised Code. 27889

(2) The process for permitting campaign committees that would 27890
otherwise be required to file campaign finance statements by 27891
electronic means of transmission to file those statements on paper 27892
with the office of the secretary of state that is required to be 27893
developed under division (L)(1) of this section shall be in effect 27894
and available for use by eligible campaign committees for all 27895
campaign finance statements that are required to be filed on or 27896
after June 30, 2005. Notwithstanding any provision of the Revised 27897
Code to the contrary, if the process the secretary of state is 27898
required to develop under division (L)(1) of this section is not 27899
in effect and available for use on and after June 30, 2005, all 27900
penalties for the failure of campaign committees to file campaign 27901
finance statements by electronic means of transmission shall be 27902
suspended until such time as that process is in effect and 27903
available for use. 27904

(3) Notwithstanding any provision of the Revised Code to the 27905
contrary, any eligible campaign committee that files campaign 27906
finance statements on paper with the office of the secretary of 27907
state pursuant to division (L)(1) of this section shall be deemed 27908
to have filed those campaign finance statements by electronic 27909
means of transmission to the office of the secretary of state. 27910

Sec. 3517.11. (A)(1) Campaign committees of candidates for 27911
statewide office or the state board of education, political action 27912
committees or political contributing entities that make 27913
contributions to campaign committees of candidates that are 27914
required to file the statements prescribed by section 3517.10 of 27915
the Revised Code with the secretary of state, political action 27916
committees or political contributing entities that make 27917
contributions to campaign committees of candidates for member of 27918

the general assembly, political action committees or political 27919
contributing entities that make contributions to state and 27920
national political parties and to legislative campaign funds, 27921
political action committees or political contributing entities 27922
that receive contributions or make expenditures in connection with 27923
a statewide ballot issue, political action committees or political 27924
contributing entities that make contributions to other political 27925
action committees or political contributing entities, political 27926
parties, and campaign committees, except as set forth in division 27927
(A)(3) of this section, legislative campaign funds, and state and 27928
national political parties shall file the statements prescribed by 27929
section 3517.10 of the Revised Code with the secretary of state. 27930

(2)(a) Except as otherwise provided in division (F) of 27931
section 3517.106 of the Revised Code, campaign committees of 27932
candidates for all other offices shall file the statements 27933
prescribed by section 3517.10 of the Revised Code with the board 27934
of elections where their candidates are required to file their 27935
petitions or other papers for nomination or election. 27936

(b) A campaign committee of a candidate for office of member 27937
of the general assembly or a campaign committee of a candidate for 27938
the office of judge of a court of appeals shall file two copies of 27939
the printed version of any statement, addendum, or amended 27940
statement if the committee does not file pursuant to division 27941
(F)(1) or (L) of section 3517.106 of the Revised Code but files by 27942
printed version only with the appropriate board of elections. The 27943
board of elections shall send one of those copies by ~~overnight~~ 27944
~~delivery service~~ certified mail to the secretary of state before 27945
the close of business on the day the board of elections receives 27946
the statement, addendum, or amended statement. 27947

(3) Political action committees or political contributing 27948
entities that only contribute to a county political party, 27949
contribute to campaign committees of candidates whose nomination 27950

or election is to be submitted only to electors within a county, 27951
subdivision, or district, excluding candidates for member of the 27952
general assembly, and receive contributions or make expenditures 27953
in connection with ballot questions or issues to be submitted only 27954
to electors within a county, subdivision, or district shall file 27955
the statements prescribed by section 3517.10 of the Revised Code 27956
with the board of elections in that county or in the county 27957
contained in whole or part within the subdivision or district 27958
having a population greater than that of any other county 27959
contained in whole or part within that subdivision or district, as 27960
the case may be. 27961

(4) Except as otherwise provided in division (E)(3) of 27962
section 3517.106 of the Revised Code with respect to state 27963
candidate funds, county political parties shall file the 27964
statements prescribed by section 3517.10 of the Revised Code with 27965
the board of elections of their respective counties. 27966

(B)(1) The official with whom petitions and other papers for 27967
nomination or election to public office are filed shall furnish 27968
each candidate at the time of that filing a copy of sections 27969
3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 3599.03, and 27970
3599.031 of the Revised Code and any other materials that the 27971
secretary of state may require. Each candidate receiving the 27972
materials shall acknowledge their receipt in writing. 27973

(2) On or before the tenth day before the dates on which 27974
statements are required to be filed by section 3517.10 of the 27975
Revised Code, every candidate subject to the provisions of this 27976
section and sections 3517.10 and 3517.106 of the Revised Code 27977
shall be notified of the requirements and applicable penalties of 27978
those sections. The secretary of state, by certified mail, return 27979
receipt requested, shall notify all candidates required to file 27980
those statements with the secretary of state's office. The board 27981
of elections of every county shall notify by first class mail any 27982

candidate who has personally appeared at the office of the board 27983
on or before the tenth day before the statements are required to 27984
be filed and signed a form, to be provided by the secretary of 27985
state, attesting that the candidate has been notified of the 27986
candidate's obligations under the campaign finance law. The board 27987
shall forward the completed form to the secretary of state. The 27988
board shall use certified mail, return receipt requested, to 27989
notify all other candidates required to file those statements with 27990
it. 27991

(3)(a) Any statement required to be filed under sections 27992
3517.081 to 3517.17 of the Revised Code that is found to be 27993
incomplete or inaccurate by the officer to whom it is submitted 27994
shall be accepted on a conditional basis, and the person who filed 27995
it shall be notified by certified mail as to the incomplete or 27996
inaccurate nature of the statement. The secretary of state may 27997
examine statements filed for candidates for the office of member 27998
of the general assembly and candidates for the office of judge of 27999
a court of appeals for completeness and accuracy. The secretary of 28000
state shall examine for completeness and accuracy statements that 28001
campaign committees of candidates for the office of member of the 28002
general assembly and campaign committees of candidates for the 28003
office of judge of a court of appeals file pursuant to division 28004
(F) or (L) of section 3517.106 of the Revised Code. If an officer 28005
at the board of elections where a statement filed for a candidate 28006
for the office of member of the general assembly or for a 28007
candidate for the office of judge of a court of appeals was 28008
submitted finds the statement to be incomplete or inaccurate, the 28009
officer shall immediately notify the secretary of state of its 28010
incomplete or inaccurate nature. If either an officer at the board 28011
of elections or the secretary of state finds a statement filed for 28012
a candidate for the office of member of the general assembly or 28013
for a candidate for the office of judge of a court of appeals to 28014
be incomplete or inaccurate, only the secretary of state shall 28015

send the notification as to the incomplete or inaccurate nature of 28016
the statement. 28017

Within twenty-one days after receipt of the notice, in the 28018
case of a pre-election statement, a postelection statement, a 28019
monthly statement, an annual statement, or a semiannual statement 28020
prescribed by section 3517.10, an annual statement prescribed by 28021
section 3517.101, or a statement prescribed by division (B)(2)(b) 28022
or (C)(2)(b) of section 3517.105 or section 3517.107 of the 28023
Revised Code, the recipient shall file an addendum, amendment, or 28024
other correction to the statement providing the information 28025
necessary to complete or correct the statement. The secretary of 28026
state may require that, in lieu of filing an addendum, amendment, 28027
or other correction to a statement that is filed by electronic 28028
means of transmission to the office of the secretary of state 28029
pursuant to section 3517.106 of the Revised Code, the recipient of 28030
the notice described in this division file by electronic means of 28031
transmission an amended statement that incorporates the 28032
information necessary to complete or correct the statement. 28033

The secretary of state shall determine by rule when an 28034
addendum, amendment, or other correction to any of the following 28035
or when an amended statement of any of the following shall be 28036
filed: 28037

(i) A two-business-day statement prescribed by section 28038
3517.10 of the Revised Code; 28039

(ii) A disclosure of electioneering communications statement 28040
prescribed by division (D) of section 3517.1011 of the Revised 28041
Code; 28042

(iii) A deposit and disbursement statement prescribed under 28043
division (B) of section 3517.1012 of the Revised Code; 28044

(iv) A gift and disbursement statement prescribed under 28045
section 3517.1013 of the Revised Code. 28046

An addendum, amendment, or other correction to a statement 28047
that is filed by electronic means of transmission pursuant to 28048
section 3517.106 of the Revised Code shall be filed in the same 28049
manner as the statement. 28050

The provisions of sections 3517.10, 3517.106, 3517.1011, 28051
3517.1012, and 3517.1013 of the Revised Code pertaining to the 28052
filing of statements of contributions and expenditures, statements 28053
of independent expenditures, disclosure of electioneering 28054
communications statements, deposit and disbursement statements, 28055
and gift and disbursement statements by electronic means of 28056
transmission apply to the filing of addenda, amendments, or other 28057
corrections to those statements by electronic means of 28058
transmission and the filing of amended statements by electronic 28059
means of transmission. 28060

(b) Within five business days after the secretary of state 28061
receives, by electronic or other means of transmission, an 28062
addendum, amendment, or other correction to a statement or an 28063
amended statement under division (B)(3)(a) of this section, the 28064
secretary of state, pursuant to divisions (E), (F), (G), and (I) 28065
of section 3517.106 or division (D) of section 3517.1011 of the 28066
Revised Code, shall make the contribution and expenditure, 28067
contribution and disbursement, deposit and disbursement, or gift 28068
and disbursement information in that addendum, amendment, 28069
correction, or amended statement available online to the public 28070
through the internet. 28071

(4)(a) The secretary of state or the board of elections shall 28072
examine all statements for compliance with sections 3517.08 to 28073
3517.17 of the Revised Code. 28074

(b) The secretary of state may contract with an individual or 28075
entity not associated with the secretary of state and experienced 28076
in interpreting the campaign finance law of this state to conduct 28077
examinations of statements filed by any statewide candidate, as 28078

defined in section 3517.103 of the Revised Code. 28079

(c) The examination shall be conducted by a person or entity 28080
qualified to conduct it. The results of the examination shall be 28081
available to the public, and, when the examination is conducted by 28082
an individual or entity not associated with the secretary of 28083
state, the results of the examination shall be reported to the 28084
secretary of state. 28085

(C)(1) In the event of a failure to file or a late filing of 28086
a statement required to be filed under sections 3517.081 to 28087
3517.17 of the Revised Code, or if a filed statement or any 28088
addendum, amendment, or other correction to a statement or any 28089
amended statement, if an addendum, amendment, or other correction 28090
or an amended statement is required to be filed, is incomplete or 28091
inaccurate or appears to disclose a failure to comply with or a 28092
violation of law, the official whose duty it is to examine the 28093
statement shall promptly file a complaint with the Ohio elections 28094
commission under section 3517.153 of the Revised Code if the law 28095
is one over which the commission has jurisdiction to hear 28096
complaints, or the official shall promptly report the failure or 28097
violation to the board of elections and the board shall promptly 28098
report it to the prosecuting attorney in accordance with division 28099
(J) of section 3501.11 of the Revised Code. If the official files 28100
a complaint with the commission, the commission shall proceed in 28101
accordance with sections 3517.154 to 3517.157 of the Revised Code. 28102

(2) For purposes of division (C)(1) of this section, a 28103
statement or an addendum, amendment, or other correction to a 28104
statement or an amended statement required to be filed under 28105
sections 3517.081 to 3517.17 of the Revised Code is incomplete or 28106
inaccurate under this section if the statement, addendum, 28107
amendment, other correction, or amended statement fails to 28108
disclose substantially all contributions or gifts that are 28109
received or deposits that are made that are required to be 28110

reported under sections 3517.10, 3517.107, 3517.108, 3517.1011, 28111
3517.1012, and 3517.1013 of the Revised Code or if the statement, 28112
addendum, amendment, other correction, or amended statement fails 28113
to disclose at least ninety per cent of the total contributions or 28114
gifts received or deposits made or of the total expenditures or 28115
disbursements made during the reporting period. 28116

(D) No certificate of nomination or election shall be issued 28117
to a person, and no person elected to an office shall enter upon 28118
the performance of the duties of that office, until that person or 28119
that person's campaign committee, as appropriate, has fully 28120
complied with this section and sections 3517.08, 3517.081, 28121
3517.10, and 3517.13 of the Revised Code. 28122

Sec. 3599.17. (A) No elections official serving as a 28123
registrar, or judge, ~~or clerk~~ of elections shall do any of the 28124
following: 28125

(1) Fail to appear before the board of elections, or its 28126
representative, after notice has been served personally upon the 28127
official or left at the official's usual place of residence, for 28128
examination as to the official's qualifications; 28129

(2) Fail to appear at the polling place to which the official 28130
is assigned at the hour and during the hours set for the 28131
registration or election; 28132

(3) Fail to take the oath prescribed by section 3501.31 of 28133
the Revised Code, unless excused by such board; 28134

(4) Refuse or sanction the refusal of another registrar or 28135
judge of elections to administer an oath required by law; 28136

(5) Fail to send notice to the board of the appointment of a 28137
judge ~~or clerk~~ to fill a vacancy; 28138

(6) Act as registrar, or judge, ~~or clerk~~ without having been 28139
appointed and having received a certificate of appointment, except 28140

a judge or clerk appointed to fill a vacancy caused by absence or removal;	28141 28142
(7) Fail in any other way to perform any duty imposed by law.	28143
(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.	28144 28145
Sec. 3599.19. (A) No judge or clerk of elections shall knowingly do any of the following:	28146 28147
(1) Unlawfully open or permit to be opened the sealed package containing registration lists, ballots, blanks, pollbooks, and other papers and material to be used in an election;	28148 28149 28150
(2) Unlawfully misplace, carry away, negligently lose or permit to be taken from the judge or clerk , fail to deliver, or destroy any such packages, papers, or material;	28151 28152 28153
(3) Receive or sanction the reception of a ballot from a person not a qualified elector or from a person who refused to answer a question in accordance with the election law;	28154 28155 28156
(4) Refuse to receive or sanction the rejection of a ballot from a person, knowing that person to be a qualified elector;	28157 28158
(5) Permit a fraudulent ballot to be placed in the ballot box;	28159 28160
(6) Place or permit to be placed in any ballot box any ballot known by the judge or clerk to be improperly or falsely marked;	28161 28162
(7) Count or permit to be counted any illegal or fraudulent ballot;	28163 28164
(8) Mislead an elector who is physically unable to prepare the elector's ballot, mark a ballot for such elector otherwise than as directed by that elector, or disclose to any person, except when legally required to do so, how such elector voted;	28165 28166 28167 28168
(9) Alter or mark or permit any alteration or marking on any	28169

ballot when counting the ballots;	28170
(10) Unlawfully count or tally or sanction the wrongful counting or tallying of votes;	28171 28172
(11) After the counting of votes commences, as required by law, postpone or sanction the postponement of the counting of votes, adjourn at any time or to any place, or remove the ballot box from the place of voting, or from the custody or presence of all the judges and clerks of such elections;	28173 28174 28175 28176 28177
(12) Permit any ballot to remain or to be in the ballot box at the opening of the polls, or to be put in the box during the counting of the ballots, or to be left in the box without being counted;	28178 28179 28180 28181
(13) Admit or sanction the admission to the polling room at an election during the receiving, counting, and certifying of votes of any person not qualified by law to be so admitted;	28182 28183 28184
(14) Refuse to admit or sanction the refusal to admit any person, upon lawful request for admission, who is legally qualified to be present;	28185 28186 28187
(15) Permit or sanction the counting of the ballots contrary to the manner prescribed by law;	28188 28189
(16) Neglect or unlawfully execute any duty enjoined upon the judge or clerk by law.	28190 28191
(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.	28192 28193
Sec. 3599.37. (A) No person having been subpoenaed or ordered to appear before a grand jury, court, board, or officer in a proceeding or prosecution upon a complaint, information, affidavit, or indictment for an offense under an election law shall do either of the following:	28194 28195 28196 28197 28198

(1) Fail to appear or, having appeared, refuse to answer a question pertinent to the matter under inquiry or investigation;	28199 28200
(2) Refuse to produce, upon reasonable notice, any material, books, papers, documents, or records in that person's possession or under that person's control.	28201 28202 28203
(B) Whoever violates division (A) of this section, unless the violator claims <u>personally appears before the grand jury, court, board, or officer and asserts the protection of the violator's constitutional rights, is guilty of a misdemeanor of the first degree.</u>	28204 28205 28206 28207 28208
<u>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:</u>	28209 28210 28211
<u>(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 symptoms that may indicate autism spectrum disorders and screening tools;</u>	28212 28213 28214 28215 28216 28217 28218
<u>(2) To promote appropriate standards for the diagnosis of autism spectrum disorders in children, including screening tools and treatment planning for children diagnosed with autism spectrum disorders;</u>	28219 28220 28221 28222
<u>(3) To encourage physicians and other health care professionals with expertise in screening, diagnosing, and treating autism spectrum disorders to share that information with other health care professionals in this state;</u>	28223 28224 28225 28226
<u>(4) To encourage the regional coordination of services to facilitate the effective, timely treatment of children diagnosed</u>	28227 28228

<u>with autism spectrum disorders.</u>	28229
<u>(B) The director of health shall contract with a statewide</u>	28230
<u>association representing pediatric physicians to conduct or</u>	28231
<u>administer the autism diagnosis education pilot program.</u>	28232
Sec. 3701.74. (A) As used in this section and section	28233
3701.741 of the Revised Code:	28234
(1) "Ambulatory care facility" means a facility that provides	28235
medical, diagnostic, or surgical treatment to patients who do not	28236
require hospitalization, including a dialysis center, ambulatory	28237
surgical facility, cardiac catheterization facility, diagnostic	28238
imaging center, extracorporeal shock wave lithotripsy center, home	28239
health agency, inpatient hospice, birthing center, radiation	28240
therapy center, emergency facility, and an urgent care center.	28241
"Ambulatory care facility" does not include the private office of	28242
a physician or dentist, whether the office is for an individual or	28243
group practice.	28244
(2) "Chiropractor" means an individual licensed under Chapter	28245
4734. of the Revised Code to practice chiropractic.	28246
(3) "Emergency facility" means a hospital emergency	28247
department or any other facility that provides emergency medical	28248
services.	28249
(4) "Health care practitioner" means all of the following:	28250
(a) A dentist or dental hygienist licensed under Chapter	28251
4715. of the Revised Code;	28252
(b) A registered or licensed practical nurse licensed under	28253
Chapter 4723. of the Revised Code;	28254
(c) An optometrist licensed under Chapter 4725. of the	28255
Revised Code;	28256
(d) A dispensing optician, spectacle dispensing optician,	28257

contact lens dispensing optician, or spectacle-contact lens	28258
dispensing optician licensed under Chapter 4725. of the Revised Code;	28259 28260
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	28261 28262
(f) A physician;	28263
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	28264 28265
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	28266 28267
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	28268 28269
(j) A chiropractor;	28270
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	28271 28272
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	28273 28274
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	28275 28276
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	28277 28278
(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;	28279 28280 28281 28282
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	28283 28284
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	28285 28286

(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	28287 28288 28289
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	28290 28291 28292
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	28293 28294
(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.	28295 28296 28297 28298 28299 28300 28301 28302 28303
(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment.	28304 28305 28306 28307
(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative.	28308 28309 28310 28311 28312
(10) "Patient" means either of the following:	28313
(a) An individual who received health care treatment from a health care provider;	28314 28315
(b) A guardian, as defined in section 1337.11 of the Revised	28316

Code, of an individual described in division (A)(10)(a) of this section. 28317
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(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division. 28319
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(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 28331
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(13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 28333
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(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. 28337
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(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 28340
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at the office of the health care provider. Within a reasonable 28348
time after receiving a request that meets the requirements of this 28349
division and includes sufficient information to identify the 28350
record requested, a health care provider that has the patient's 28351
medical records shall permit the patient to examine the record 28352
during regular business hours without charge or, on request, shall 28353
provide a copy of the record in accordance with section 3701.741 28354
of the Revised Code, except that if a physician or chiropractor 28355
who has treated the patient determines for clearly stated 28356
treatment reasons that disclosure of the requested record is 28357
likely to have an adverse effect on the patient, the health care 28358
provider shall provide the record to a physician or chiropractor 28359
designated by the patient. The health care provider shall take 28360
reasonable steps to establish the identity of the person making 28361
the request to examine or obtain a copy of the patient's record. 28362

(C) If a health care provider fails to furnish a medical 28363
record as required by division (B) of this section, the patient, 28364
personal representative, or authorized person who requested the 28365
record may bring a civil action to enforce the patient's right of 28366
access to the record. 28367

(D)(1) This section does not apply to medical records whose 28368
release is covered by section 173.20 or 3721.13 of the Revised 28369
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 28370
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 28371
Records," or by 42 C.F.R. 483.10. 28372

(2) Nothing in this section is intended to supersede the 28373
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 28374
and 2305.252 of the Revised Code. 28375

Sec. 3701.741. (A) Through December 31, 2008, each health 28376
care provider and medical records company shall provide copies of 28377
medical records in accordance with this section. 28378

(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.	28379 28380 28381 28382
(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:	28383 28384 28385
(a) With respect to data recorded on paper, the following amounts:	28386 28387
(i) Two dollars and fifty cents per page for the first ten pages;	28388 28389
(ii) Fifty-one cents per page for pages eleven through fifty;	28390
(iii) Twenty cents per page for pages fifty-one and higher;	28391
(b) With respect to data recorded other than on paper, one dollar and seventy cents per page;	28392 28393
(c) The actual cost of any related postage incurred by the health care provider or medical records company.	28394 28395
(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 following:	28396 28397 28398 28399
(a) An initial fee of fifteen dollars and thirty-five cents, which shall compensate for the records search;	28400 28401
(b) With respect to data recorded on paper, the following amounts:	28402 28403
(i) One dollar and two cents per page for the first ten pages;	28404 28405
(ii) Fifty-one cents per page for pages eleven through fifty;	28406
(iii) Twenty cents per page for pages fifty-one and higher.	28407

(c) With respect to data recorded other than on paper, one dollar and seventy cents per page;	28408 28409
(d) The actual cost of any related postage incurred by the health care provider or medical records company.	28410 28411
(C)(1) A health care provider or medical records company shall provide one copy without charge to the following:	28412 28413
(a) The bureau of workers' compensation, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;	28414 28415 28416
(b) The industrial commission, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;	28417 28418 28419
(c) The department of job and family services <u>or a county department of job and family services</u> , in accordance with Chapter <u>Chapters</u> 5101. and 5111. of the Revised Code and the rules adopted under those chapters;	28420 28421 28422 28423
(d) The attorney general, in accordance with sections 2743.51 to 2743.72 of the Revised Code and any rules that may be adopted under those sections;	28424 28425 28426
(e) A patient or patient's personal representative if the medical record is necessary to support a claim under Title II or Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the request is accompanied by documentation that a claim has been filed.	28427 28428 28429 28430 28431
(2) Nothing in division (C)(1) of this section requires a health care provider or medical records company to provide a copy without charge to any person or entity not listed in division (C)(1) of this section.	28432 28433 28434 28435
(D) Division (C) of this section shall not be construed to supersede any rule of the bureau of workers' compensation, the	28436 28437

industrial commission, or the department of job and family services. 28438
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(E) A health care provider or medical records company may enter into a contract with either of the following for the copying of medical records at a fee other than as provided in division (B) of this section: 28440
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(1) A patient, a patient's personal representative, or an authorized person; 28444
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(2) An insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state or health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code. 28446
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(F) This section does not apply to medical records the copying of which is covered by section 173.20 of the Revised Code or by 42 C.F.R. 483.10. 28450
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Sec. 3701.83. (A) There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344, 3702.20, 3710.15, 3711.021, 3717.45, ~~3718.06~~, 3721.02, 3722.04, 3729.07, 3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 of the Revised Code. 28453
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(B) The alcohol testing program fund is hereby created in the state treasury. The director of health shall use the fund to administer and enforce the alcohol testing and permit program authorized by section 3701.143 of the Revised Code. 28460
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The fund shall receive transfers from the liquor control fund created under section 4301.12 of the Revised Code. All investment earnings of the alcohol testing program fund shall be credited to the fund. 28464
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Sec. 3702.52. The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections.

(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in that time, the project shall be considered to have been ruled not a reviewable activity.

(B) The director shall review applications for certificates of need. Each application shall be submitted to the director on forms prescribed by the director, shall include all information required by rules adopted under division (B) of section 3702.57 of the Revised Code, and shall be accompanied by the application fee established in rules adopted under division (G) of that section.

Application

Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections.

The director shall mail to the applicant a written notice that the application meets the criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code, or a written request for additional information, not later than ~~fifteen~~ thirty days after receiving an application or a response to an earlier request for information. The director shall not make more than two requests for additional information.

The director may conduct a public informational hearing in 28499
the course of reviewing any application for a certificate of need, 28500
and shall conduct one if requested to do so by any affected person 28501
not later than fifteen days after the director mails the notice 28502
that the application is complete. The hearing shall be conducted 28503
in the community in which the activities authorized by the 28504
certificate of need would be carried out. Any affected person may 28505
testify at the hearing. The director may, with the health service 28506
agency's consent, designate a health service agency to conduct the 28507
hearing. 28508

Except during a public hearing or as necessary to comply with 28509
a subpoena issued under division (F) of this section, after a 28510
notice of completeness has been received, no person shall 28511
knowingly discuss in person or by telephone the merits of the 28512
application with the director. If one or more persons request a 28513
meeting in person or by telephone, the director shall make a 28514
reasonable effort to invite interested parties to the meeting or 28515
conference call. 28516

~~(C) Divisions (C)(1) to (7) of this section apply to 28517
certificate of need applications for which the director had not 28518
issued a written decision prior to April 20, 1995, unless the 28519
director was required, under the version of this section in effect 28520
immediately prior to June 30, 1995, to grant a certificate of need 28521
prior to June 30, 1995, because of a lack of written objections 28522
from any affected person. Divisions (C)(1) to (7) of this section 28523
do not invalidate any certificate of need that the director was 28524
required to grant prior to June 30, 1995, under that circumstance. 28525~~

~~(1) The All of the following apply to the process of granting 28526
or denying a certificate of need: 28527~~

~~(1) If the project proposed in a certificate of need 28528
application meets all of the applicable certificate of need 28529
criteria for approval under sections 3702.51 to 3702.62 of the 28530~~

Revised Code and the rules adopted under those sections, the 28531
director shall grant a certificate of need for the entire project 28532
that is the subject of the application immediately after both of 28533
the following conditions are met: 28534

(a) The board of trustees of the health service agency of the 28535
health service area in which the reviewable activity is proposed 28536
to be conducted recommends, prior to the deadline specified in 28537
division (C)(4) of this section or any extension of it under 28538
division (C)(5) of this section, that the certificate of need be 28539
granted; 28540

(b) The director ~~receives no~~ does not receive any written 28541
objections to the application from any affected person by the 28542
~~later of May 20, 1995, or thirty days~~ thirtieth day after the 28543
director mails the notice of completeness. 28544

(2) In the case of certificate of need applications under 28545
comparative review, if the projects proposed in the applications 28546
meet all of the applicable certificate of need criteria for 28547
approval under sections 3702.51 to 3702.62 of the Revised Code and 28548
the rules adopted under those sections, the director shall grant 28549
certificates of need for the entire projects that are the subject 28550
of the applications immediately after both of the following 28551
conditions are met: 28552

(a) The board of trustees of the health service agency of 28553
each health service area in which the reviewable activities are 28554
proposed to be conducted recommends, prior to the deadline 28555
specified in division (C)(4) of this section or any extension of 28556
it under division (C)(5) of this section, that certificates of 28557
need be granted for each of the reviewable activities to be 28558
conducted in its health service area; 28559

(b) The director ~~receives no~~ does not receive any written 28560
objections to any of the applications from any affected person by 28561

the ~~later of May 20, 1995, or thirty days~~ thirtieth day after the 28562
director mails the last notice of completeness. 28563

The director's grant of a certificate of need under division 28564
(C)(1) or (2) of this section does not affect, and sets no 28565
precedent for, the director's decision to grant or deny other 28566
applications for similar reviewable activities proposed to be 28567
conducted in the same or different health service areas. 28568

(3) If the director receives written objections to an 28569
application from any affected person by the ~~later of May 20, 1995,~~ 28570
~~or thirty days~~ thirtieth day after mailing the notice of 28571
completeness, regardless of the health service agency's 28572
recommendation, the director shall notify the applicant and assign 28573
a hearing examiner to conduct an adjudication hearing concerning 28574
the application in accordance with Chapter 119. of the Revised 28575
Code. In the case of applications under comparative review, if the 28576
director receives written objections to any of the applications 28577
from any affected person by the ~~later of May 20, 1995, or thirty~~ 28578
~~days~~ thirtieth day after the director mails the last notice of 28579
completeness, regardless of the health service agencies' 28580
recommendation, the director shall notify all of the applicants 28581
and appoint a hearing examiner to conduct a consolidated 28582
adjudication hearing concerning the applications in accordance 28583
with Chapter 119. of the Revised Code. The hearing examiner shall 28584
be employed by or under contract with the department of health. 28585

The adjudication hearings may be conducted in the health 28586
service area in which the reviewable activity is proposed to be 28587
conducted. Consolidated adjudication hearings for applications in 28588
comparative review may be conducted in the geographic region in 28589
which all of the reviewable activities will be conducted. The 28590
applicant, the director, and the affected persons that filed 28591
objections to the application shall be parties to the hearing. If 28592
none of the affected persons that submitted written objections to 28593

the application appears or prosecutes the hearing, the hearing 28594
examiner shall dismiss the hearing and the director shall grant a 28595
certificate of need for the entire project that is the subject of 28596
the application if the proposed project meets all of the 28597
applicable certificate of need criteria for approval under 28598
sections 3702.51 to 3702.62 of the Revised Code and the rules 28599
adopted under those sections. The affected persons bear the burden 28600
of proving by a preponderance of evidence that the project is not 28601
needed or that granting the certificate would not be in accordance 28602
with sections 3702.51 to 3702.62 of the Revised Code or the rules 28603
adopted under ~~section 3702.57 of the Revised Code~~ those sections. 28604

(4) Except as provided in divisions (C)(1) and (2) of this 28605
section, the director shall grant or deny certificate of need 28606
applications for which an adjudication hearing is not conducted 28607
under division (C)(3) of this section not later than ~~ninety~~ sixty 28608
days after mailing the notice of completeness or, in the case of 28609
an application proposing addition of long-term care beds, not 28610
later than ~~ninety~~ sixty days after such other time as is specified 28611
in rules adopted under section 3702.57 of the Revised Code. The 28612
director shall grant or deny certificate of need applications for 28613
which an adjudication hearing is conducted under division (C)(3) 28614
of this section not later than thirty days after the expiration of 28615
the time for filing objections to the report and recommendation of 28616
the hearing examiner under section 119.09 of the Revised Code. The 28617
director shall base decisions concerning applications for which an 28618
adjudication hearing is conducted under division (C)(3) of this 28619
section on the report and recommendations of the hearing examiner. 28620

(5) Except as otherwise provided in division (C)(1), (2), or 28621
(6) of this section, the director or the applicant may extend the 28622
deadline prescribed in division (C)(4) of this section once, for 28623
no longer than thirty days, by written notice before the end of 28624
the original thirty-day period. An extension by the director under 28625

division (C)(5) of this section shall apply to all applications 28626
that are in comparative review. 28627

(6) No applicant in a comparative review may extend the 28628
deadline specified in division (C)(4) of this section. 28629

(7) Except as provided in divisions (C)(1) and (2) of this 28630
section, the director may grant a certificate of need for all or 28631
part of the project that is the subject of an application. If the 28632
director does not grant or deny the certificate by the applicable 28633
deadline specified in division (C)(4) of this section or any 28634
extension of it under division (C)(5) of this section, the 28635
certificate shall be considered to have been granted. ~~The 28636
director, in reviewing certificate of need applications for solid 28637
organ transplantation services, may ask for assistance from a 28638
statewide transplantation advisory group consisting of qualified 28639
professionals and administrators. Such consultation shall not 28640
cause the review period for any application to be extended beyond 28641
the applicable deadline specified in division (C)(4) of this 28642
section or any extension of it under division (C)(5) of this 28643
section.~~ 28644

~~(D)~~(8) In granting a certificate of need, the director shall 28645
specify as the maximum capital expenditure the certificate holder 28646
may obligate under the certificate a figure equal to one hundred 28647
ten per cent of the approved project cost. 28648

~~(E)~~(9) In granting a certificate of need, the director may 28649
grant the certificate with conditions that must be met by the 28650
holder of the certificate. 28651

(D) The director shall monitor the activities of persons 28652
granted certificates of need concerning long-term care beds during 28653
the period beginning with the granting of the certificate of need 28654
and ending five years after implementation of the activity for 28655
which the certificate was granted. 28656

In the case of any other certificate of need, the director shall monitor the activities of persons granted certificates of need during the period beginning with the granting of the certificate of need and ending when the activity for which the certificate was granted ceases to be a reviewable activity in accordance with section 3702.511 of the Revised Code.

~~(F)~~(E) When reviewing applications for certificates of need or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas duces tecum to compel the production of documents relevant to review of the application or monitoring of the activities. In addition, the director or the director's designee, which may include a health service agency, may visit the sites where the activities are or will be conducted.

~~(G)~~(F) The director may withdraw certificates of need.

~~(H)~~(G) The director shall conduct, on a regular basis, health system data collection and analysis activities and prepare reports. The director shall make recommendations based upon these activities to the public health council concerning the adoption of appropriate rules under section 3702.57 of the Revised Code. All health care facilities and other health care providers shall submit to the director, upon request, any information that is necessary to conduct reviews of certificate of need applications and to develop recommendations for criteria for reviews, and that is prescribed by rules adopted under division (H) of section 3702.57 of the Revised Code.

~~(I)~~(H) Any decision to grant or deny a certificate of need shall consider the special needs and circumstances resulting from moral and ethical values and the free exercise of religious rights of health care facilities administered by religious organizations, and the special needs and circumstances of children's hospitals,

inner city hospitals, and small rural hospitals. 28689

Sec. 3702.5211. Notwithstanding any conflicting provision of 28690
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 28691
veterans' home operated under Chapter 5907. of the Revised Code 28692
that is located in Sandusky, including the Secrest nursing home 28693
and Giffin care facility, is not required to obtain a certificate 28694
of need for the addition of up to fifty-two additional nursing 28695
home beds to be licensed under Chapter 3721. of the Revised Code 28696
if the additional beds are placed in service prior to June 30, 28697
1999. 28698

Sec. 3702.5212. (A) This section applies to each long-term 28699
care facility that meets the following requirements: 28700

(1) The facility has been in continuous operation for not 28701
less than one hundred twenty years prior to the effective date of 28702
this section; 28703

(2) The facility is located in an inner city area; 28704

(3) The facility is operating as a nonprofit entity organized 28705
under Chapter 1702. of the Revised Code or the nonprofit law of 28706
another state. 28707

(B) Notwithstanding any conflicting provision of sections 28708
3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the owner or 28709
operator of a long-term care facility described in division (A) of 28710
this section is not required to obtain a certificate of need for 28711
the addition of up to thirty long-term care beds to be licensed 28712
under Chapter 3721. of the Revised Code. The exemption shall apply 28713
only as long as the beds are owned and operated by the facility to 28714
which the exemption is granted. 28715

Sec. 3702.5213. Notwithstanding any conflicting provision of 28716
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 28717

veterans' home operated under Chapter 5907. of the Revised Code 28718
that is located in Brown county is not required to obtain a 28719
certificate of need for the addition of up to one hundred 28720
sixty-eight additional nursing home beds to be licensed under 28721
Chapter 3721. of the Revised Code if the additional beds are 28722
placed in service prior to December 31, 2004. 28723

Sec. 3702.57. (A) The public health council shall adopt rules 28724
establishing procedures and criteria for reviews of applications 28725
for certificates of need and issuance, denial, or withdrawal of 28726
certificates. 28727

(1) The rules shall require that, in addition to any other 28728
applicable review requirements of sections 3702.51 to 3702.62 of 28729
the Revised Code and rules adopted thereunder, any application for 28730
a certificate of need from an osteopathic hospital be reviewed on 28731
the basis of the need for and the availability in the community of 28732
services and hospitals for osteopathic physicians and their 28733
patients, and in terms of its impact on existing and proposed 28734
institutional training programs for doctors of osteopathy and 28735
doctors of medicine at the student, internship, and residency 28736
training levels. 28737

(2) In adopting rules that establish criteria for reviews of 28738
applications of certificates of need, the council shall consider 28739
the availability of and need for long-term care beds to provide 28740
care and treatment to persons diagnosed as having traumatic brain 28741
injuries and shall prescribe criteria for reviewing applications 28742
that propose to add long-term care beds to provide care and 28743
treatment to persons diagnosed as having traumatic brain injuries. 28744

(3) The criteria for reviews of applications for certificates 28745
of need shall relate to the need for the reviewable activity and 28746
shall pertain to all of the following matters: 28747

(a) The impact of the reviewable activity on the cost and 28748

quality of health services in the relevant geographic area, 28749
including, but not limited, to the historical and projected 28750
utilization of the services to which the application pertains and 28751
the effect of the reviewable activity on utilization of other 28752
providers of similar services; 28753

(b) The quality of the services to be provided as the result 28754
of the activity, as evidenced by the historical performance of the 28755
persons that will be involved in providing the services and by the 28756
provisions that are proposed in the application to ensure quality, 28757
including but not limited to adequate available personnel, 28758
available ancillary and support services, available equipment, 28759
size and configuration of physical plant, and relations with other 28760
providers; 28761

(c) The impact of the reviewable activity on the availability 28762
and accessibility of the type of services proposed in the 28763
application to the population of the relevant geographic area, and 28764
the level of access to the services proposed in the application 28765
that will be provided to medically underserved individuals such as 28766
recipients of public assistance and individuals who have no health 28767
insurance or whose health insurance is insufficient; 28768

(d) The activity's short- and long-term financial feasibility 28769
and cost-effectiveness, the impact of the activity on the 28770
applicant's costs and charges, and a comparison of the applicant's 28771
costs and charges with those of providers of similar services in 28772
the applicant's proposed service area; 28773

(e) The advantages, disadvantages, and costs of alternatives 28774
to the reviewable activity; 28775

(f) The impact of the activity on all other providers of 28776
similar services in the health service area or other relevant 28777
geographic area, including the impact on their utilization, market 28778
share, and financial status; 28779

(g) The historical performance of the applicant and related	28780
or affiliated parties in complying with previously granted	28781
certificates of need and any applicable certification,	28782
accreditation, or licensure requirements;	28783
(h) The relationship of the activity to the current edition	28784
of the state health resources plan issued under section 3702.521	28785
of the Revised Code;	28786
(i) The historical performance of the applicant and related	28787
or affiliated parties in providing cost-effective health care	28788
services;	28789
(j) The special needs and circumstances of the applicant or	28790
population proposed to be served by the proposed project,	28791
including research activities, prevalence of particular diseases,	28792
unusual demographic characteristics, cost-effective contractual	28793
affiliations, and other special circumstances;	28794
(k) The appropriateness of the zoning status of the proposed	28795
site of the activity;	28796
(l) The participation by the applicant in research conducted	28797
by the United States food and drug administration or clinical	28798
trials sponsored by the national institutes of health.	28799
(4) The criteria for reviews of applications may include	28800
formulas for determining need for beds and services.	28801
(a) The criteria prescribing formulas shall not, either by	28802
themselves or in conjunction with any established occupancy	28803
guidelines, require, as a condition of being granted a certificate	28804
of need, that a hospital reduce its complement of registered beds	28805
or discontinue any service that is not related to the service or	28806
project for which the certificate of need is sought.	28807
(b) With respect to applications to conduct reviewable	28808
activities that are affected directly by the inpatient occupancy	28809

of a health care facility, including addition, relocation, or 28810
recategorization of beds or renovation or other construction 28811
activities relating to inpatient services, the rules shall 28812
prescribe criteria for determining whether the scope of the 28813
proposed project is appropriate in light of the historical and 28814
reasonably projected occupancy rates for the beds related to the 28815
project. 28816

(c) Any rules prescribing criteria that establish ratios of 28817
beds, services, or equipment to population shall specify the bases 28818
for establishing the ratios or mitigating factors or exceptions to 28819
the ratios. 28820

(B) The council shall adopt rules specifying all of the 28821
following: 28822

(1) Information that must be provided in applications for 28823
certificates of need, which shall include a plan for obligating 28824
the capital expenditure or implementing the proposed project on a 28825
timely basis in accordance with section 3702.525 of the Revised 28826
Code; 28827

(2) Procedures for reviewing applications for completeness of 28828
information; 28829

(3) Criteria for determining that the application is 28830
complete. 28831

(C) The council shall adopt rules specifying requirements 28832
that holders of certificates of need must meet in order for the 28833
certificates to remain valid and establishing definitions and 28834
requirements for obligation of capital expenditures and 28835
implementation of projects authorized by certificates of need. 28836

(D) The council shall adopt rules establishing criteria and 28837
procedures under which the director of health may withdraw a 28838
certificate of need if the holder fails to meet requirements for 28839
continued validity of the certificate. 28840

(E) The council shall adopt rules establishing procedures 28841
under which the department of health shall monitor project 28842
implementation activities of holders of certificates of need. The 28843
rules adopted under this division also may establish procedures 28844
for monitoring implementation activities of persons that have 28845
received nonreviewability rulings. 28846

(F) The council shall adopt rules establishing procedures 28847
under which the director of health shall review certificates of 28848
need whose holders exceed or appear likely to exceed an 28849
expenditure maximum specified in a certificate. 28850

(G) The council shall adopt rules establishing certificate of 28851
need application fees sufficient to pay the costs incurred by the 28852
department for administering sections 3702.51 to 3702.62 of the 28853
Revised Code and to pay health service agencies for the functions 28854
they perform under division (D)(5) of section 3702.58 of the 28855
Revised Code. Unless rules are adopted under this division 28856
establishing different application fees, the application fee for a 28857
project not involving a capital expenditure shall be three 28858
thousand dollars and the application fee for a project involving a 28859
capital expenditure shall be nine-tenths of one per cent of the 28860
capital expenditure proposed subject to a minimum of three 28861
thousand dollars and a maximum of twenty thousand dollars. 28862

(H) The council shall adopt rules specifying information that 28863
is necessary to conduct reviews of certificate of need 28864
applications and to develop recommendations for criteria for 28865
reviews that health care facilities and other health care 28866
providers are to submit to the director under division ~~(H)~~(G) of 28867
section 3702.52 of the Revised Code. 28868

(I) The council shall adopt rules defining "affiliated 28869
person," "related person," and "ultimate controlling interest" for 28870
purposes of section 3702.524 of the Revised Code. 28871

(J) The council shall adopt rules prescribing requirements 28872
for holders of certificates of need to demonstrate to the director 28873
under section 3702.526 of the Revised Code that reasonable 28874
progress is being made toward completion of the reviewable 28875
activity and establishing standards by which the director shall 28876
determine whether reasonable progress is being made. 28877

(K) The council shall adopt rules defining high-risk cardiac 28878
catheterization patients. High-risk patients shall include 28879
patients with significant ischemic syndromes or unstable 28880
myocardial infarction, patients who need intervention such as 28881
angioplasty or bypass surgery, patients who may require difficult 28882
or complex catheterization procedures such as transeptal 28883
assessment of valvular dysfunction, patients with critical aortic 28884
stenosis or congestive heart failure, and other patients specified 28885
by the council. 28886

(L) The public health council shall adopt all rules under 28887
divisions (A) to (K) of this section in accordance with Chapter 28888
119. of the Revised Code. The council may adopt other rules as 28889
necessary to carry out the purposes of sections 3702.51 to 3702.62 28890
of the Revised Code. 28891

Sec. ~~3702.68~~ 3702.59. (A) Notwithstanding any conflicting 28892
provision of sections 3702.51 to 3702.62 of the Revised Code, 28893
other than the provisions of sections 3702.5210, 3702.5211, 28894
3702.5212, and 3702.5213 of the Revised Code, both of the 28895
following apply under the certificate of need program: 28896

(1) Divisions (B) to (E) of this section ~~applies~~ apply to the 28897
review of certificate of need applications during the period 28898
beginning July 1, 1993, and ending June 30, ~~2007~~ 2009. 28899

~~As used in this section, "existing health care facility" has~~ 28900
~~the same meaning as in section 3702.51 of the Revised Code~~ (2) 28901
Beginning July 1, 2009, the director of health shall not accept 28902

for review under section 3702.52 of the Revised Code any 28903
application for a certificate of need to recategorize hospital 28904
beds as described in section 3702.522 of the Revised Code. 28905

(B)(1) Except as provided in division (B)(2) of this section, 28906
the director of health shall neither grant nor deny any 28907
application for a certificate of need submitted prior to July 1, 28908
1993, if the application was for any of the following and the 28909
director had not issued a written decision concerning the 28910
application prior to that date: 28911

(a) Approval of beds in a new health care facility or an 28912
increase of beds in an existing health care facility, if the beds 28913
are proposed to be licensed as nursing home beds under Chapter 28914
3721. of the Revised Code; 28915

(b) Approval of beds in a new county home or new county 28916
nursing home as defined in section 5155.31 of the Revised Code, or 28917
an increase of beds in an existing county home or existing county 28918
nursing home, if the beds are proposed to be certified as skilled 28919
nursing facility beds under Title XVIII or nursing facility beds 28920
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 28921
42 U.S.C.A. 301, as amended; 28922

(c) Recategorization of hospital beds as described in section 28923
3702.522 of the Revised Code, an increase of hospital beds 28924
registered pursuant to section 3701.07 of the Revised Code as 28925
long-term care beds or skilled nursing facility beds, or a 28926
recategorization of hospital beds that would result in an increase 28927
of beds registered pursuant to that section as long-term care beds 28928
or skilled nursing facility beds. 28929

On July 1, 1993, the director shall return each such 28930
application to the applicant and, notwithstanding section 3702.52 28931
of the Revised Code regarding the uses of the certificate of need 28932
fund, shall refund to the applicant the application fee paid under 28933

that section. Applications returned under division (B)(1) of this 28934
section may be resubmitted in accordance with section 3702.52 of 28935
the Revised Code no sooner than July 1, ~~2007~~ 2009. 28936

(2) The director shall continue to review and shall issue a 28937
decision regarding any application submitted prior to July 1, 28938
1993, to increase beds for either of the purposes described in 28939
division (B)(1)(a) or (b) of this section if the proposed increase 28940
in beds is attributable solely to a replacement or relocation of 28941
existing beds within the same county. The director shall authorize 28942
under such an application no additional beds beyond those being 28943
replaced or relocated. 28944

(C)(1) Except as provided in division (C)(2) of this section, 28945
the director, during the period beginning July 1, 1993, and ending 28946
June 30, ~~2007~~ 2009, shall not accept for review under section 28947
3702.52 of the Revised Code any application for a certificate of 28948
need for any of the purposes described in divisions (B)(1)(a) to 28949
(c) of this section. 28950

(2)(a) The director shall accept for review any application 28951
for either of the purposes described in division (B)(1)(a) or (b) 28952
of this section if the proposed increase in beds is attributable 28953
solely to a replacement or relocation of existing beds from an 28954
existing health care facility within the same county. The director 28955
shall authorize under such an application no additional beds 28956
beyond those being replaced or relocated. 28957

The director shall not approve an application for a 28958
certificate of need for addition of long-term care beds to an 28959
existing health care facility by relocation of beds or for the 28960
development of a new health care facility by relocation of beds 28961
unless all of the following conditions are met: 28962

(i) The existing health care facility to which the beds are 28963
being relocated has no waivers for life safety code ~~waivers~~ 28964

deficiencies, no state fire code violations, and no state building code violations, or the project identified in the application proposes to correct all life safety code deficiencies for which a waiver has been granted, all state fire code violations, and all state building code violations at the existing health care facility to which the beds are being relocated;

(ii) During the sixty-month period preceding the filing of the application, no notice of proposed revocation of the facility's license was issued under section 3721.03 of the Revised Code to the operator of the existing facility to which the beds are being relocated or to any health care facility owned or operated by the applicant or any principal participant in the same corporation or other business;

(iii) Neither the existing health care facility to which the beds are being relocated nor any health care facility owned or operated by the applicant or any principal participant in the same corporation or other business has had a long-standing pattern of violations of this chapter or deficiencies that caused one or more residents physical, emotional, mental, or psychosocial harm.

(b) The director also shall accept for review any application for the conversion of infirmary beds to long-term care beds if the infirmary meets all of the following conditions:

(i) Is operated exclusively by a religious order;

(ii) Provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related;

(iii) Was providing care exclusively to members of such a religious order on January 1, 1994.

(D) The director shall issue a decision regarding any case remanded by a court as the result of a decision issued by the director prior to July 1, 1993, to grant, deny, or withdraw a

certificate of need for any of the purposes described in divisions 28996
(B)(1)(a) to (c) of this section. 28997

(E) The director shall not project the need for beds listed 28998
in division (B)(1) of this section for the period beginning July 28999
1, 1993, and ending June 30, ~~2007~~ 2009. 29000

~~This section is an interim section effective until July 1,~~ 29001
~~2007.~~ 29002

Sec. ~~3702.63~~ 3702.591. As specified in former Section 11 of 29003
Am. Sub. S.B. 50 of the 121st general assembly, as amended by Am. 29004
Sub. H.B. 405 of the 124th general assembly, all of the following 29005
apply: 29006

(A) The removal of former divisions (E) and (F) of section 29007
3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 29008
50 of the 121st general assembly does not release the holders of 29009
certificates of need issued under those divisions from complying 29010
with any conditions on which the granting of the certificates of 29011
need was based, including the requirement of former division 29012
(E)(6) of that section that the holders not enter into provider 29013
agreements under Chapter 5111. of the Revised Code and Title XIX 29014
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 29015
as amended, for at least ten years following initial licensure of 29016
the long-term care facilities for which the certificates were 29017
granted. 29018

(B) The repeal of section 3702.55 of the Revised Code by 29019
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 29020
not release the holders of certificates of need issued under that 29021
section from complying with any conditions on which the granting 29022
of the certificates of need was based, other than the requirement 29023
of division (A)(6) of that section that the holders not seek 29024
certification under Title XVIII of the "Social Security Act" for 29025
beds recategorized under the certificates. That repeal also does 29026

not eliminate the requirement that the director of health revoke 29027
the licensure of the beds under Chapter 3721. of the Revised Code 29028
if a person to which their ownership is transferred fails, as 29029
required by division (A)(6) of the repealed section, to file 29030
within ten days after the transfer a sworn statement not to seek 29031
certification under Title XIX of the "Social Security Act" for 29032
beds recategorized under the certificates of need. 29033

(C) The repeal of section 3702.56 of the Revised Code by 29034
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 29035
not release the holders of certificates of need issued under that 29036
section from complying with any conditions on which the granting 29037
of the certificates of need was based. 29038

Sec. 3704.03. The director of environmental protection may do 29039
any of the following: 29040

(A) Develop programs for the prevention, control, and 29041
abatement of air pollution; 29042

(B) Advise, consult, contract, and cooperate with any 29043
governmental or private agency in the furtherance of the purposes 29044
of this chapter; 29045

(C) Encourage, participate in, or conduct studies, 29046
investigations, and research relating to air pollution, collect 29047
and disseminate information, and conduct education and training 29048
programs relating to the causes, prevention, control, and 29049
abatement of air pollution; 29050

(D) Adopt, modify, and rescind rules prescribing ambient air 29051
quality standards for the state as a whole or for various areas of 29052
the state that are consistent with and no more stringent than the 29053
national ambient air quality standards in effect under the federal 29054
Clean Air Act; 29055

(E) Adopt, modify, suspend, and rescind rules for the 29056

prevention, control, and abatement of air pollution, including 29057
rules prescribing for the state as a whole or for various areas of 29058
the state emission standards for air contaminants, and other 29059
necessary rules for the purpose of achieving and maintaining 29060
compliance with ambient air quality standards in all areas within 29061
the state as expeditiously as practicable, but not later than any 29062
deadlines applicable under the federal Clean Air Act; rules for 29063
the prevention or control of the emission of hazardous or toxic 29064
air contaminants; rules prescribing fugitive dust limitations and 29065
standards that are related, on an areawide basis, to attainment 29066
and maintenance of ambient air quality standards; rules 29067
prescribing shade, density, or opacity limitations and standards 29068
for emissions, provided that with regard to air contaminant 29069
sources for which there are particulate matter emission standards 29070
in addition to a shade, density, or opacity rule, upon 29071
demonstration by such a source of compliance with those other 29072
standards, the shade, density, or opacity rule shall provide for 29073
establishment of a shade, density, or opacity limitation for that 29074
source that does not require the source to reduce emissions below 29075
the level specified by those other standards; rules for the 29076
prevention or control of odors and air pollution nuisances; rules 29077
that prevent significant deterioration of air quality to the 29078
extent required by the federal Clean Air Act; rules for the 29079
protection of visibility as required by the federal Clean Air Act; 29080
and rules prescribing open burning limitations and standards. In 29081
adopting, modifying, suspending, or rescinding any such rules, the 29082
director, to the extent consistent with the federal Clean Air Act, 29083
shall hear and give consideration to evidence relating to all of 29084
the following: 29085

(1) Conditions calculated to result from compliance with the 29086
rules, the overall cost within this state of compliance with the 29087
rules, and their relation to benefits to the people of the state 29088
to be derived from that compliance; 29089

(2) The quantity and characteristics of air contaminants, the frequency and duration of their presence in the ambient air, and the dispersion and dilution of those contaminants;

(3) Topography, prevailing wind directions and velocities, physical conditions, and other factors that may or may combine to affect air pollution.

Consistent with division (K) of section 3704.036 of the Revised Code, the director shall consider alternative emission limits proposed by the owner or operator of an air contaminant source that is subject to an emission limit established in rules adopted under this division and shall accept those alternative emission limits that the director determines to be equivalent to emission limits established in rules adopted under this division.

(F)(1) Adopt, modify, suspend, and rescind rules consistent with the purposes of this chapter prohibiting the location, installation, construction, or modification of any air contaminant source or any machine, equipment, device, apparatus, or physical facility intended primarily to prevent or control the emission of air contaminants unless an installation permit therefor has been obtained from the director or the director's authorized representative.

(2) Applications for installation permits shall be accompanied by plans, specifications, construction schedules, and such other pertinent information and data, including data on ambient air quality impact and a demonstration of best available technology, as the director may require. Installation permits shall be issued for a period specified by the director and are transferable. The director shall specify in each permit the applicable emission standards and that the permit is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the

person to whom the permit has been issued, at any reasonable time 29122
and subject to safety requirements of the person in control of the 29123
premises, for the purpose of determining compliance with such 29124
standards, this chapter, the rules adopted thereunder, and the 29125
conditions of any permit, variance, or order issued thereunder. 29126
Each proposed new or modified air contaminant source shall provide 29127
such notice of its proposed installation or modification to other 29128
states as is required under the federal Clean Air Act. 29129
Installation permits shall include the authorization to operate 29130
sources installed and operated in accordance with terms and 29131
conditions of the installation permits for a period not to exceed 29132
one year from commencement of operation, which authorization shall 29133
constitute an operating permit under division (G) of this section 29134
and rules adopted under it. 29135

No installation permit shall be required for activities that 29136
are subject to and in compliance with a plant-wide applicability 29137
limit issued by the director in accordance with rules adopted 29138
under this section. 29139

No installation permit shall be issued except in accordance 29140
with all requirements of this chapter and rules adopted 29141
thereunder. No application shall be denied or permit revoked or 29142
modified without a written order stating the findings upon which 29143
denial, revocation, or modification is based. A copy of the order 29144
shall be sent to the applicant or permit holder by certified mail. 29145

(3) Not later than two years after ~~the effective date of this~~ 29146
~~amendment~~ August 3, 2006, the director shall adopt a rule in 29147
accordance with Chapter 119. of the Revised Code specifying that a 29148
permit to install is required only for new or modified air 29149
contaminant sources that emit any of the following air 29150
contaminants: 29151

(a) An air contaminant or precursor of an air contaminant for 29152
which a national ambient air quality standard has been adopted 29153

under the federal Clean Air Act; 29154

(b) An air contaminant for which the air contaminant source 29155
is regulated under the federal Clean Air Act; 29156

(c) An air contaminant that presents, or may present, through 29157
inhalation or other routes of exposure, a threat of adverse human 29158
health effects, including, but not limited to, substances that are 29159
known to be, or may reasonably be anticipated to be, carcinogenic, 29160
mutagenic, teratogenic, or neurotoxic, that cause reproductive 29161
dysfunction, or that are acutely or chronically toxic, or a threat 29162
of adverse environmental effects whether through ambient 29163
concentrations, bioaccumulation, deposition, or otherwise, and 29164
that is identified in the rule by chemical name and chemical 29165
abstract service number. 29166

The director may modify the rule adopted under division 29167
(F)(3)(c) of this section for the purpose of adding or deleting 29168
air contaminants. For each air contaminant that is contained in or 29169
deleted from the rule adopted under division (F)(3)(c) of this 29170
section, the director shall include in a notice accompanying any 29171
proposed or final rule an explanation of the director's 29172
determination that the air contaminant meets the criteria 29173
established in that division and should be added to, or no longer 29174
meets the criteria and should be deleted from, the list of air 29175
contaminants. The explanation shall include an identification of 29176
the scientific evidence on which the director relied in making the 29177
determination. Until adoption of the rule under division (F)(3)(c) 29178
of this section, nothing shall affect the director's authority to 29179
issue, deny, modify, or revoke permits to install under this 29180
chapter and rules adopted under it. 29181

(4)(a) Applications for permits to install new or modified 29182
air contaminant sources shall contain sufficient information 29183
regarding air contaminants for which the director may require a 29184
permit to install to determine conformity with the environmental 29185

protection agency's document entitled "Review of New Sources of
Air Toxics Emissions, Option A," dated May 1986, which the
director shall use to evaluate toxic emissions from new or
modified air contaminant sources. The director shall make copies
of the document available to the public upon request at no cost
and post the document on the environmental protection agency's web
site. Any inconsistency between the document and division (F)(4)
of this section shall be resolved in favor of division (F)(4) of
this section.

(b) The maximum acceptable ground level concentration of an
air contaminant shall be calculated in accordance with the
document entitled "Review of New Sources of Air Toxics Emissions,
Option A." Modeling shall be conducted to determine the increase
in the ground level concentration of an air contaminant beyond the
facility's boundary caused by the emissions from a new or modified
source that is the subject of an application for a permit to
install. Modeling shall be based on the maximum hourly rate of
emissions from the source using information including, but not
limited to, any emission control devices or methods, operational
restrictions, stack parameters, and emission dispersion devices or
methods that may affect ground level concentrations, either
individually or in combination. The director shall determine
whether the activities for which a permit to install is sought
will cause an increase in the ground level concentration of one or
more relevant air contaminants beyond the facility's boundary by
an amount in excess of the maximum acceptable ground level
concentration. In making the determination as to whether the
maximum acceptable ground level concentration will be exceeded,
the director shall give consideration to the modeling conducted
under division (F)(4)(b) of this section and other relevant
information submitted by the applicant.

(c) If the modeling conducted under division (F)(4)(b) of

this section with respect to an application for a permit to 29218
install demonstrates that the maximum ground level concentration 29219
from a new or modified source will be greater than or equal to 29220
eighty per cent, but less than one hundred per cent of the maximum 29221
acceptable ground level concentration for an air contaminant, the 29222
director may establish terms and conditions in the permit to 29223
install for the air contaminant source that will require the owner 29224
or operator of the air contaminant source to maintain emissions of 29225
that air contaminant commensurate with the modeled level, which 29226
shall be expressed as allowable emissions per day. In order to 29227
calculate the allowable emissions per day, the director shall 29228
multiply the hourly emission rate modeled under division (F)(4)(b) 29229
of this section to determine the ground level concentration by the 29230
operating schedule that has been identified in the permit to 29231
install application. Terms and conditions imposed under division 29232
(F)(4)(c) of this section are not federally enforceable 29233
requirements and, if included in a Title V permit, shall be placed 29234
in the portion of the permit that is only enforceable by the 29235
state. 29236

(d) If the modeling conducted under division (F)(4)(b) of 29237
this section with respect to an application for a permit to 29238
install demonstrates that the maximum ground level concentration 29239
from a new or modified source will be less than eighty per cent of 29240
the maximum acceptable ground level concentration, the owner or 29241
operator of the source annually shall report to the director, on a 29242
form prescribed by the director, whether operations of the source 29243
are consistent with the information regarding the operations that 29244
was used to conduct the modeling with regard to the permit to 29245
install application. The annual report to the director shall be in 29246
lieu of an emission limit or other permit terms and conditions 29247
imposed pursuant to division (F)(4) of this section. The director 29248
may consider any significant departure from the operations of the 29249
source described in the permit to install application that results 29250

in greater emissions than the emissions rate modeled to determine 29251
the ground level concentration as a modification and require the 29252
owner or operator to submit a permit to install application for 29253
the increased emissions. The requirements established in division 29254
(F)(4)(d) of this section are not federally enforceable 29255
requirements and, if included in a Title V permit, shall be placed 29256
in the portion of the permit that is only enforceable by the 29257
state. 29258

(e) Division (F)(4) of this section and the document entitled 29259
"Review of New Sources of Air Toxics Emissions, Option A" shall 29260
not be included in the state implementation plan under section 110 29261
of the federal Clean Air Act and do not apply to an air 29262
contaminant source that is subject to a maximum achievable control 29263
technology standard or residual risk standard under section 112 of 29264
the federal Clean Air Act, to a particular air contaminant 29265
identified under 40 C.F.R. 51.166, division (b)(23), for which the 29266
director has determined that the owner or operator of the source 29267
is required to install best available control technology for that 29268
particular air contaminant, or to a particular air contaminant for 29269
which the director has determined that the source is required to 29270
meet the lowest achievable emission rate, as defined in 40 C.F.R. 29271
part 51, Appendix S, for that particular air contaminant. 29272

(f)(i) Division (F)(4) of this section and the document 29273
entitled "Review of New Sources of Air Toxics Emissions, Option A" 29274
do not apply to parking lots, storage piles, storage tanks, 29275
transfer operations, grain silos, grain dryers, emergency 29276
generators, gasoline dispensing operations, air contaminant 29277
sources that emit air contaminants solely from the combustion of 29278
fossil fuels, or the emission of wood dust, sand, glass dust, coal 29279
dust, silica, and grain dust. 29280

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 29281
the director may require an individual air contaminant source that 29282

is within one of the source categories identified in division 29283
(F)(4)(f)(i) of this section to submit information in an 29284
application for a permit to install a new or modified source in 29285
order to determine the source's conformity to the document if the 29286
director has information to conclude that the particular new or 29287
modified source will potentially cause an increase in ground level 29288
concentration beyond the facility's boundary that exceeds the 29289
maximum acceptable ground level concentration as set forth in the 29290
document. 29291

(iii) The director may adopt rules in accordance with Chapter 29292
119. of the Revised Code that are consistent with the purposes of 29293
this chapter and that add to or delete from the source category 29294
exemptions established in division (F)(4)(f)(i) of this section. 29295

(5) Not later than one year after ~~the effective date of this~~ 29296
~~amendment~~ August 3, 2006, the director shall adopt rules in 29297
accordance with Chapter 119. of the Revised Code specifying 29298
activities that do not, by themselves, constitute beginning actual 29299
construction activities related to the installation or 29300
modification of an air contaminant source for which a permit to 29301
install is required such as the grading and clearing of land, 29302
on-site storage of portable parts and equipment, and the 29303
construction of foundations or buildings that do not themselves 29304
emit air contaminants. The rules also shall allow specified 29305
initial activities that are part of the installation or 29306
modification of an air contaminant source, such as the 29307
installation of electrical and other utilities for the source, 29308
prior to issuance of a permit to install, provided that the owner 29309
or operator of the source has filed a complete application for a 29310
permit to install, the director or the director's designee has 29311
determined that the application is complete, and the owner or 29312
operator of the source has notified the director that this 29313
activity will be undertaken prior to the issuance of a permit to 29314

install. Any activity that is undertaken by the source under those 29315
rules shall be at the risk of the owner or operator. The rules 29316
shall not apply to activities that are precluded prior to permit 29317
issuance under section 111, section 112, Part C of Title I, and 29318
Part D of Title I of the federal Clean Air Act. 29319

(G) Adopt, modify, suspend, and rescind rules prohibiting the 29320
operation or other use of any new, modified, or existing air 29321
contaminant source unless an operating permit has been obtained 29322
from the director or the director's authorized representative, or 29323
the air contaminant source is being operated in compliance with 29324
the conditions of a variance issued pursuant to division (H) of 29325
this section. Applications for operating permits shall be 29326
accompanied by such plans, specifications, and other pertinent 29327
information as the director may require. Operating permits may be 29328
issued for a period determined by the director not to exceed ~~five~~ 29329
ten years, are renewable, and are transferable. The director shall 29330
specify in each operating permit that the permit is conditioned 29331
upon payment of the applicable fees as required by section 3745.11 29332
of the Revised Code and upon the right of the director's 29333
authorized representatives to enter upon the premises of the 29334
person to whom the permit has been issued, at any reasonable time 29335
and subject to safety requirements of the person in control of the 29336
premises, for the purpose of determining compliance with this 29337
chapter, the rules adopted thereunder, and the conditions of any 29338
permit, variance, or order issued thereunder. Operating permits 29339
may be denied or revoked for failure to comply with this chapter 29340
or the rules adopted thereunder. An operating permit shall be 29341
issued only upon a showing satisfactory to the director or the 29342
director's representative that the air contaminant source is being 29343
operated in compliance with applicable emission standards and 29344
other rules or upon submission of a schedule of compliance 29345
satisfactory to the director for a source that is not in 29346
compliance with all applicable requirements at the time of permit 29347

issuance, provided that the compliance schedule shall be 29348
consistent with and at least as stringent as that contained in any 29349
judicial consent decree or administrative order to which the air 29350
contaminant source is subject. The rules shall provide for the 29351
issuance of conditional operating permits for such reasonable 29352
periods as the director may determine to allow the holder of an 29353
installation permit, who has constructed, installed, located, or 29354
modified a new air contaminant source in accordance with the 29355
provisions of an installation permit, to make adjustments or 29356
modifications necessary to enable the new air contaminant source 29357
to comply with applicable emission standards and other rules. 29358
Terms and conditions of operating permits issued pursuant to this 29359
division shall be federally enforceable for the purpose of 29360
establishing the potential to emit of a stationary source and 29361
shall be expressly designated as federally enforceable. Any such 29362
federally enforceable restrictions on a source's potential to emit 29363
shall include both an annual limit and a short-term limit of not 29364
more than thirty days for each pollutant to be restricted together 29365
with adequate methods for establishing compliance with the 29366
restrictions. In other respects, operating permits issued pursuant 29367
to this division are enforceable as state law only. No application 29368
shall be denied or permit revoked or modified without a written 29369
order stating the findings upon which denial, revocation, or 29370
modification is based. A copy of the order shall be sent to the 29371
applicant or permit holder by certified mail. 29372

(H) Adopt, modify, and rescind rules governing the issuance, 29373
revocation, modification, or denial of variances that authorize 29374
emissions in excess of the applicable emission standards. 29375

No variance shall be issued except pursuant to those rules. 29376
The rules shall prescribe conditions and criteria in furtherance 29377
of the purposes of this chapter and consistent with the federal 29378
Clean Air Act governing eligibility for issuance of variances, 29379

which shall include all of the following: 29380

(1) Provisions requiring consistency of emissions authorized 29381
by a variance with timely attainment and maintenance of ambient 29382
air quality standards; 29383

(2) Provisions prescribing the classes and categories of air 29384
contaminants and air contaminant sources for which variances may 29385
be issued; 29386

(3) Provisions defining the circumstances under which an 29387
applicant shall demonstrate that compliance with applicable 29388
emission standards is technically infeasible, economically 29389
unreasonable, or impossible because of conditions beyond the 29390
control of the applicant; 29391

(4) Other provisions prescribed in furtherance of the goals 29392
of this chapter. 29393

The rules shall prohibit the issuance of variances from any 29394
emission limitation that was applicable to a source pursuant to an 29395
installation permit and shall prohibit issuance of variances that 29396
conflict with the federal Clean Air Act. 29397

Applications for variances shall be accompanied by such 29398
information as the director may require. In issuing variances, the 29399
director may order the person to whom a variance is issued to 29400
furnish plans and specifications and such other information and 29401
data, including interim reports, as the director may require and 29402
to proceed to take such action within such time as the director 29403
may determine to be appropriate and reasonable to prevent, 29404
control, or abate the person's existing emissions of air 29405
contaminants. The director shall specify in each variance that the 29406
variance is conditioned upon payment of the applicable fees as 29407
required by section 3745.11 of the Revised Code and upon the right 29408
of the director's authorized representatives to enter upon the 29409
premises of the person to whom the variance has been issued, at 29410

any reasonable time and subject to safety requirements of the 29411
person in control of the premises, for the purpose of determining 29412
compliance with this chapter, the rules adopted thereunder, and 29413
the conditions of any permit, variance, or order issued 29414
thereunder. 29415

The director may hold a public hearing on an application for 29416
a variance or renewal thereof at a location in the county where 29417
the variance is sought. The director shall give not less than 29418
twenty days' notice of the hearing to the applicant by certified 29419
mail and cause at least one publication of notice in a newspaper 29420
with general circulation in the county where the variance is 29421
sought. The director shall keep available for public inspection at 29422
the principal office of the environmental protection agency a 29423
current schedule of pending applications for variances and a 29424
current schedule of pending variance hearings. The director shall 29425
make a complete stenographic record of testimony and other 29426
evidence submitted at the hearing. The director shall make a 29427
written determination to issue, renew, or deny the variance and 29428
shall enter the determination and the basis therefor into the 29429
record of the hearing. The director shall issue, renew, or deny an 29430
application for a variance or renewal thereof, or issue a proposed 29431
action upon the application pursuant to section 3745.07 of the 29432
Revised Code, within six months of the date upon which the 29433
director receives a complete application with all pertinent 29434
information and data required by the director. 29435

Any variance granted pursuant to rules adopted under this 29436
division shall be for a period specified by the director, not to 29437
exceed three years, and may be renewed from time to time on such 29438
terms and for such periods, not to exceed three years each, as the 29439
director determines to be appropriate. A variance may be revoked, 29440
or renewal denied, for failure to comply with conditions specified 29441
in the variance. No variance shall be issued, denied, revoked, or 29442

modified without a written order stating the findings upon which 29443
the issuance, denial, revocation, or modification is based. A copy 29444
of the order shall be sent to the applicant or variance holder by 29445
certified mail. 29446

(I) Require the owner or operator of an air contaminant 29447
source to install, employ, maintain, and operate such emissions, 29448
ambient air quality, meteorological, or other monitoring devices 29449
or methods as the director shall prescribe; to sample those 29450
emissions at such locations, at such intervals, and in such manner 29451
as the director prescribes; to maintain records and file periodic 29452
reports with the director containing information as to location, 29453
size, and height of emission outlets, rate, duration, and 29454
composition of emissions, and any other pertinent information the 29455
director prescribes; and to provide such written notice to other 29456
states as the director shall prescribe. In requiring monitoring 29457
devices, records, and reports, the director, to the extent 29458
consistent with the federal Clean Air Act, shall give 29459
consideration to technical feasibility and economic reasonableness 29460
and allow reasonable time for compliance. For sources where a 29461
specific monitoring, record-keeping, or reporting requirement is 29462
specified for a particular air contaminant from a particular air 29463
contaminant source in an applicable regulation adopted by the 29464
United States environmental protection agency under the federal 29465
Clean Air Act or in an applicable rule adopted by the director, 29466
the director shall not impose an additional requirement in a 29467
permit that is a different monitoring, record-keeping, or 29468
reporting requirement other than the requirement specified in the 29469
applicable regulation or rule for that air contaminant except as 29470
otherwise agreed to by the owner or operator of the air 29471
contaminant source and the director. If two or more regulations or 29472
rules impose different monitoring, record-keeping, or reporting 29473
requirements for the same air contaminant from the same air 29474
contaminant source, the director may impose permit terms and 29475

conditions that consolidate or streamline the monitoring, 29476
record-keeping, or reporting requirements in a manner that 29477
conforms with each applicable requirement. To the extent 29478
consistent with the federal Clean Air Act and except as otherwise 29479
agreed to by the owner or operator of an air contaminant source 29480
and the director, the director shall not require an operating 29481
restriction that has the practical effect of increasing the 29482
stringency of an existing applicable emission limitation or 29483
standard. 29484

(J) Establish, operate, and maintain monitoring stations and 29485
other devices designed to measure air pollution and enter into 29486
contracts with any public or private agency for the establishment, 29487
operation, or maintenance of such stations and devices; 29488

(K) By rule adopt procedures for giving reasonable public 29489
notice and conducting public hearings on any plans for the 29490
prevention, control, and abatement of air pollution that the 29491
director is required to submit to the federal government; 29492

(L) Through any employee, agent, or authorized representative 29493
of the director or the environmental protection agency, enter upon 29494
private or public property, including improvements thereon, at any 29495
reasonable time, to make inspections, take samples, conduct tests, 29496
and examine records or reports pertaining to any emission of air 29497
contaminants and any monitoring equipment or methods and to 29498
determine if there are any actual or potential emissions from such 29499
premises and, if so, to determine the sources, amounts, contents, 29500
and extent of those emissions, or to ascertain whether there is 29501
compliance with this chapter, any orders issued or rules adopted 29502
thereunder, or any other determination of the director. The 29503
director, at reasonable times, may have access to and copy any 29504
such records. If entry or inspection authorized by this division 29505
is refused, hindered, or thwarted, the director or the director's 29506
authorized representative may by affidavit apply for, and any 29507

judge of a court of record may issue, an appropriate inspection 29508
warrant necessary to achieve the purposes of this chapter within 29509
the court's territorial jurisdiction. 29510

(M) Accept and administer gifts or grants from the federal 29511
government and from any other source, public or private, for 29512
carrying out any of the functions under this chapter; 29513

(N) Obtain necessary scientific, technical, and laboratory 29514
services; 29515

(O) Establish advisory boards in accordance with section 29516
121.13 of the Revised Code; 29517

(P) Delegate to any city or general health district or 29518
political subdivision of the state any of the director's 29519
enforcement and monitoring powers and duties, other than 29520
rule-making powers, as the director elects to delegate, and in 29521
addition employ, compensate, and prescribe the powers and duties 29522
of such officers, employees, and consultants as are necessary to 29523
enable the director to exercise the authority and perform duties 29524
imposed upon the director by law. Technical and other services 29525
shall be performed, insofar as practical, by personnel of the 29526
environmental protection agency. 29527

(Q) Certify to the government of the United States or any 29528
agency thereof that an industrial air pollution facility is in 29529
conformity with the state program or requirements for control of 29530
air pollution whenever such certificate is required for a taxpayer 29531
pursuant to any federal law or requirements; 29532

(R) Issue, modify, or revoke orders requiring abatement of or 29533
prohibiting emissions that violate applicable emission standards 29534
or other requirements of this chapter and rules adopted 29535
thereunder, or requiring emission control devices or measures in 29536
order to comply with applicable emission standards or other 29537
requirements of this chapter and rules adopted thereunder. Any 29538

such order shall require compliance with applicable emission 29539
standards by a specified date and shall not conflict with any 29540
requirement of the federal Clean Air Act. In the making of such 29541
orders, the director, to the extent consistent with the federal 29542
Clean Air Act, shall give consideration to, and base the 29543
determination on, evidence relating to the technical feasibility 29544
and economic reasonableness of compliance with such orders and 29545
their relation to benefits to the people of the state to be 29546
derived from such compliance. If, under the federal Clean Air Act, 29547
any such order shall provide for the posting of a bond or surety 29548
to secure compliance with the order as a condition of issuance of 29549
the order, the order shall so provide, but only to the extent 29550
required by the federal Clean Air Act. 29551

(S) To the extent provided by the federal Clean Air Act, 29552
adopt, modify, and rescind rules providing for the administrative 29553
assessment and collection of monetary penalties, not in excess of 29554
those required pursuant to the federal Clean Air Act, for failure 29555
to comply with any emission limitation or standard, compliance 29556
schedule, or other requirement of any rule, order, permit, or 29557
variance issued or adopted under this chapter or required under 29558
the applicable implementation plan whether or not the source is 29559
subject to a federal or state consent decree. The director may 29560
require the submission of compliance schedules, calculations of 29561
penalties for noncompliance, and related information. Any orders, 29562
payments, sanctions, or other requirements imposed pursuant to 29563
rules adopted under this division shall be in addition to any 29564
other permits, orders, payments, sanctions, or other requirements 29565
established under this chapter and shall not affect any civil or 29566
criminal enforcement proceedings brought under any provision of 29567
this chapter or any other provision of state or local law. This 29568
division does not apply to any requirement of this chapter 29569
regarding the prevention or abatement of odors. 29570

(T) Require new or modified air contaminant sources to 29571
install best available technology, but only in accordance with 29572
this division. With respect to permits issued pursuant to division 29573
(F) of this section beginning three years after ~~the effective date~~ 29574
~~of this amendment~~ August 3, 2006, best available technology for 29575
air contaminant sources and air contaminants emitted by those 29576
sources that are subject to standards adopted under section 112, 29577
Part C of Title I, and Part D of Title I of the federal Clean Air 29578
Act shall be equivalent to and no more stringent than those 29579
standards. For an air contaminant or precursor of an air 29580
contaminant for which a national ambient air quality standard has 29581
been adopted under the federal Clean Air Act, best available 29582
technology only shall be required to the extent required by rules 29583
adopted under Chapter 119. of the Revised Code for permit to 29584
install applications filed three or more years after ~~the effective~~ 29585
~~date of this amendment~~ August 3, 2006. 29586

Best available technology requirements established in rules 29587
adopted under this division shall be expressed only in one of the 29588
following ways that is most appropriate for the applicable source 29589
or source categories: 29590

(1) Work practices; 29591

(2) Source design characteristics or design efficiency of 29592
applicable air contaminant control devices; 29593

(3) Raw material specifications or throughput limitations 29594
averaged over a twelve-month rolling period; 29595

(4) Monthly allowable emissions averaged over a twelve-month 29596
rolling period. 29597

Best available technology requirements shall not apply to an 29598
air contaminant source that has the potential to emit, taking into 29599
account air pollution controls installed on the source, less than 29600
ten tons per year of emissions of an air contaminant or precursor 29601

of an air contaminant for which a national ambient air quality 29602
standard has been adopted under the federal Clean Air Act. In 29603
addition, best available technology requirements established in 29604
rules adopted under this division shall not apply to any existing, 29605
new, or modified air contaminant source that is subject to a 29606
plant-wide applicability limit that has been approved by the 29607
director. Further, best available technology requirements 29608
established in rules adopted under this division shall not apply 29609
to general permits issued prior to January 1, 2006, under rules 29610
adopted under this chapter. 29611

For permits to install issued three or more years after ~~the~~ 29612
~~effective date of this amendment~~ August 3, 2006, any new or 29613
modified air contaminant source that has the potential to emit, 29614
taking into account air pollution controls installed on the 29615
source, ten or more tons per year of volatile organic compounds or 29616
nitrogen oxides shall meet, at a minimum, the requirements of any 29617
applicable reasonably available control technology rule in effect 29618
as of January 1, 2006, regardless of the location of the source. 29619

(U) Consistent with section 507 of the federal Clean Air Act, 29620
adopt, modify, suspend, and rescind rules for the establishment of 29621
a small business stationary source technical and environmental 29622
compliance assistance program as provided in section 3704.18 of 29623
the Revised Code; 29624

(V) Provide for emissions trading, marketable permits, 29625
auctions of emission rights, and economic incentives that would 29626
reduce the cost or increase the efficiency of achieving a 29627
specified level of environmental protection; 29628

(W) Provide for the construction of an air contaminant source 29629
prior to obtaining a permit to install pursuant to division (F) of 29630
this section if the applicant demonstrates that the source will be 29631
installed to comply with all applicable emission limits and will 29632
not adversely affect public health or safety or the environment 29633

and if the director determines that such an action will avoid an 29634
unreasonable hardship on the owner or operator of the source. Any 29635
such determination shall be consistent with the federal Clean Air 29636
Act. 29637

(X) Exercise all incidental powers, including adoption of 29638
rules, required to carry out this chapter. 29639

The environmental protection agency shall develop a plan to 29640
control air pollution resulting from state-operated facilities and 29641
property. 29642

Sec. 3704.14. (A) The director of environmental protection 29643
shall continue to implement an enhanced motor vehicle inspection 29644
and maintenance program for a period of two years beginning on 29645
January 1, ~~2006~~ 2008, and ending on December 31, ~~2007~~ 2009, in 29646
counties in which a motor vehicle inspection and maintenance 29647
program is federally mandated. The program shall be substantially 29648
similar to the enhanced program implemented in those counties 29649
under a contract that is scheduled to expire on December 31, ~~2005~~ 29650
2007. The program, at a minimum, shall do all of the following: 29651

(1) Comply with the federal Clean Air Act; 29652

(2) Provide for the extension of a contract for a period of 29653
two years, beginning on January 1, ~~2006~~ 2008, and ending on 29654
December 31, ~~2007~~ 2009, with the contractor who conducted the 29655
enhanced motor vehicle inspection and maintenance program in those 29656
~~federally mandated~~ counties where the program was in operation on 29657
January 3, 2006, pursuant to a contract entered into ~~under former~~ 29658
~~section 3704.14 of the Revised Code as that section existed prior~~ 29659
~~to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th~~ 29660
~~General Assembly~~ with the state; 29661

(3) Provide for the issuance of inspection certificates; 29662

(4) Provide for a new car exemption for motor vehicles four 29663

years old or newer and provide that a new motor vehicle is exempt 29664
for four years regardless of whether legal title to the motor 29665
vehicle is transferred during that period. 29666

~~(B) The director shall not implement a motor vehicle 29667
inspection and maintenance program in any county other than a 29668
county in which a motor vehicle inspection and maintenance program 29669
is federally mandated. 29670~~

~~(C)~~ The director shall adopt rules in accordance with Chapter 29671
119. of the Revised Code that the director determines are 29672
necessary to implement this section. The director may continue to 29673
implement and enforce rules pertaining to the enhanced motor 29674
vehicle inspection and maintenance program previously implemented 29675
under former section 3704.14 of the Revised Code as that section 29676
existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of 29677
the 126th general assembly, provided that the rules do not 29678
conflict with this section. 29679

~~(D)~~(C) There is hereby created in the state treasury the 29680
motor vehicle inspection and maintenance fund, which shall consist 29681
of money received by the director from any fees for inspections 29682
that are established in rules adopted under this section. The 29683
director shall use money in the fund solely for the 29684
implementation, supervision, administration, operation, and 29685
enforcement of the enhanced motor vehicle inspection and 29686
maintenance program established under this section. 29687

~~(E)~~(D) The enhanced motor vehicle inspection and maintenance 29688
program established under this section expires on December 31, 29689
~~2007~~ 2009, and shall not be continued beyond that date unless 29690
otherwise federally mandated. 29691

(E) Notwithstanding divisions (A) to (D) of this section, the 29692
director shall not implement an enhanced motor vehicle inspection 29693
and maintenance program and no such program shall be operated in 29694

an area of the state where such a program was not in operation on 29695
January 3, 2006, pursuant to a contract entered into by this state 29696
unless both of following apply: 29697

(1) The program is required in the approved state 29698
implementation plan; and 29699

(2) After January 3, 2006, the United States environmental 29700
protection agency has expressly notified the director in writing 29701
that the failure to operate the program in a specific area will 29702
result in the imposition of sanctions under the federal Clean Air 29703
Act. 29704

Sec. 3705.24. (A)(1) The public health council shall, in 29705
accordance with section 111.15 of the Revised Code, adopt rules 29706
prescribing fees for the following services provided by the state 29707
office of vital statistics: 29708

(a) Except as provided in division (A)(4) of this section: 29709

(i) A certified copy of a vital record or a certification of 29710
birth; 29711

(ii) A search by the office of vital statistics of its files 29712
and records pursuant to a request for information, regardless of 29713
whether a copy of a record is provided; 29714

(iii) A copy of a record provided pursuant to a request; 29715

(b) Replacement of a birth certificate following an adoption, 29716
legitimation, paternity determination or acknowledgement, or court 29717
order; 29718

(c) Filing of a delayed registration of a vital record; 29719

(d) Amendment of a vital record that is requested later than 29720
one year after the filing date of the vital record; 29721

(e) Any other documents or services for which the public 29722
health council considers the charging of a fee appropriate. 29723

(2) Fees prescribed under division (A)(1)(a) of this section 29724
shall not be less than seven dollars. 29725

(3) Fees prescribed under division (A)(1) of this section 29726
shall be collected in addition to any fees required by sections 29727
3109.14 and 3705.242 of the Revised Code. 29728

(4) Fees prescribed under division (A) of this section shall 29729
not apply to certifications issued under division (H) of this 29730
section or copies provided under section 3705.241 of the Revised 29731
Code. 29732

(B) In addition to the fees prescribed under division (A) of 29733
this section or section 3709.09 of the Revised Code, the office of 29734
vital statistics or the board of health of a city or general 29735
health district shall charge a five-dollar fee for each certified 29736
copy of a vital record and each certification of birth. This fee 29737
shall be deposited in the general operations fund created under 29738
section 3701.83 of the Revised Code and be used ~~solely toward to~~ 29739
support the operations, the modernization, and the automation of 29740
the ~~system of~~ vital records program in this state. A board of 29741
health shall forward all fees collected under this division to the 29742
department of health not later than thirty days after the end of 29743
each calendar quarter. 29744

(C) Except as otherwise provided in division (H) of this 29745
section, and except as provided in section 3705.241 of the Revised 29746
Code, fees collected by the director of health under sections 29747
3705.01 to 3705.29 of the Revised Code shall be paid into the 29748
state treasury to the credit of the general operations fund 29749
created by section 3701.83 of the Revised Code. Except as provided 29750
in division (B) of this section, money generated by the fees shall 29751
be used only for administration and enforcement of this chapter 29752
and the rules adopted under it. Amounts submitted to the 29753
department of health for copies of vital records or services in 29754
excess of the fees imposed by this section shall be dealt with as 29755

follows: 29756

(1) An overpayment of two dollars or less shall be retained 29757
by the department and deposited in the state treasury to the 29758
credit of the general operations fund created by section 3701.83 29759
of the Revised Code. 29760

(2) An overpayment in excess of two dollars shall be returned 29761
to the person who made the overpayment. 29762

(D) If a local registrar is a salaried employee of a city or 29763
a general health district, any fees the local registrar receives 29764
pursuant to section 3705.23 of the Revised Code shall be paid into 29765
the general fund of the city or the health fund of the general 29766
health district. 29767

Each local registrar of vital statistics, or each health 29768
district where the local registrar is a salaried employee of the 29769
district, shall be entitled to a fee for each birth, fetal death, 29770
death, or military service certificate properly and completely 29771
made out and registered with the local registrar or district and 29772
correctly copied and forwarded to the office of vital statistics 29773
in accordance with the population of the primary registration 29774
district at the last federal census. The fee for each birth, fetal 29775
death, death, or military service certificate shall be: 29776

(1) In primary registration districts of over two hundred 29777
fifty thousand, twenty cents; 29778

(2) In primary registration districts of over one hundred 29779
twenty-five thousand and less than two hundred fifty thousand, 29780
sixty cents; 29781

(3) In primary registration districts of over fifty thousand 29782
and less than one hundred twenty-five thousand, eighty cents; 29783

(4) In primary registration districts of less than fifty 29784
thousand, one dollar. 29785

(E) The director of health shall annually certify to the county treasurers of the several counties the number of birth, fetal death, death, and military service certificates registered from their respective counties with the names of the local registrars and the amounts due each registrar and health district at the rates fixed in this section. Such amounts shall be paid by the treasurer of the county in which the registration districts are located. No fees shall be charged or collected by registrars except as provided by this chapter and section 3109.14 of the Revised Code.

(F) A probate judge shall be paid a fee of fifteen cents for each certified abstract of marriage prepared and forwarded by the probate judge to the department of health pursuant to section 3705.21 of the Revised Code. The fee shall be in addition to the fee paid for a marriage license and shall be paid by the applicants for the license.

(G) The clerk of a court of common pleas shall be paid a fee of one dollar for each certificate of divorce, dissolution, and annulment of marriage prepared and forwarded by the clerk to the department pursuant to section 3705.21 of the Revised Code. The fee for the certified abstract of divorce, dissolution, or annulment of marriage shall be added to the court costs allowed in these cases.

(H) The fee for an heirloom certification of birth issued pursuant to division (B)(2) of section 3705.23 of the Revised Code shall be an amount prescribed by rule by the director of health plus any fee required by section 3109.14 of the Revised Code. In setting the amount of the fee, the director shall establish a surcharge in addition to an amount necessary to offset the expense of processing heirloom certifications of birth. The fee prescribed by the director of health pursuant to this division shall be deposited into the state treasury to the credit of the heirloom

certification of birth fund which is hereby created. Money 29818
credited to the fund shall be used by the office of vital 29819
statistics to offset the expense of processing heirloom 29820
certifications of birth. However, the money collected for the 29821
surcharge, subject to the approval of the controlling board, shall 29822
be used for the purposes specified by the family and children 29823
first council pursuant to section 121.37 of the Revised Code. 29824

Sec. 3709.09. (A) The board of health of a city or general 29825
health district may, by rule, establish a uniform system of fees 29826
to pay the costs of any services provided by the board. 29827

The fee for issuance of a certified copy of a vital record or 29828
a certification of birth shall not be less than the fee prescribed 29829
for the same service under division (A)(1) of section 3705.24 of 29830
the Revised Code and shall include the fees required by division 29831
(B) of section 3705.24 and section 3109.14 of the Revised Code. 29832

Fees for services provided by the board for purposes 29833
specified in sections 3701.344, 3711.05, ~~3718.06~~, 3729.07, 29834
3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code shall 29835
be established in accordance with rules adopted under division (B) 29836
of this section. The district advisory council, in the case of a 29837
general health district, and the legislative authority of the 29838
city, in the case of a city health district, may disapprove any 29839
fee established by the board of health under this division, and 29840
any such fee, as disapproved, shall not be charged by the board of 29841
health. 29842

(B) The public health council shall adopt rules under section 29843
111.15 of the Revised Code that establish fee categories and 29844
uniform methodologies for use in calculating the costs of services 29845
provided for purposes specified in sections 3701.344, 3711.05, 29846
~~3718.06~~, 3729.07, 3730.03, 3733.04, 3733.25, and 3749.04 of the 29847
Revised Code. In adopting the rules, the public health council 29848

shall consider recommendations it receives from advisory boards 29849
established either by statute or the director of health for 29850
entities subject to the fees. 29851

(C) At least thirty days prior to establishing a fee for a 29852
service provided by the board for a purpose specified in section 29853
3701.344, 3711.05, ~~3718.06~~, 3729.07, 3730.03, 3733.04, 3733.25, or 29854
3749.04 of the Revised Code, a board of health shall notify any 29855
entity that would be affected by the proposed fee of the amount of 29856
the proposed fee. 29857

Sec. 3709.091. (A) As used in this section: 29858

(1) "Household sewage ~~treatment~~ disposal system" means any 29859
sewage disposal or treatment system, or part of such a system, for 29860
a single-family, two-family, or three-family dwelling that 29861
receives sewage. 29862

(2) "Sewage" means any liquid waste containing animal or 29863
vegetable matter in suspension or solution that originates from 29864
~~humans and human activities. "Sewage" includes liquids containing~~ 29865
~~household chemicals in solution commonly discharged from a~~ 29866
~~residence or from commercial, institutional, or other similar~~ 29867
~~facilities.~~ 29868

~~(3) "Small flow on-site sewage treatment system" means a~~ 29869
~~system, other than a household sewage treatment system, that~~ 29870
~~treats not more than one thousand gallons of sewage per day and~~ 29871
~~that does not require a national pollutant discharge elimination~~ 29872
~~system permit issued under section 6111.03 of the Revised Code or~~ 29873
~~an injection well drilling or operating permit issued under~~ 29874
~~section 6111.043 of the Revised Code water closets, urinals,~~ 29875
~~lavatories, bathtubs, laundry tubs or devices, floor drains,~~ 29876
~~drinking fountains, or other sanitary fixtures and may include~~ 29877
~~liquid containing chemicals in solution.~~ 29878

(B) If any owner, leaseholder, or assignee of real property 29879
fails to pay a fee as required by rule of a board of health of a 29880
city or general health district pursuant to section 3709.09 of the 29881
Revised Code for an operation permit for, or for inspection of, a 29882
household sewage ~~treatment~~ disposal system ~~or a small flow on-site~~ 29883
~~sewage treatment system~~ located on the real property, the health 29884
commissioner of the city or general health district or the 29885
commissioner's designated representative shall notify the owner, 29886
leaseholder, or assignee of the real property of the amount of the 29887
fee and any accrued penalties for late payment of the fee. The 29888
notice shall state, in boldface letters: "You have 30 days to 29889
object to the amount of the unpaid operation permit or inspection 29890
fee for your household sewage ~~treatment~~ disposal system ~~or small~~ 29891
~~flow on-site sewage treatment system, as applicable,~~ as designated 29892
in this notice, which may include accrued penalties for late 29893
payment of the fee. If you do not pay this amount as instructed 29894
herein within 30 days of receipt of this notice or object to this 29895
amount during that time period in accordance with the procedures 29896
set forth herein, the amount will be placed as a lien on your real 29897
property." The notice also shall explain how the owner, 29898
leaseholder, or assignee may pay the amount, or object to the 29899
amount in accordance with the procedures established by divisions 29900
(C) and (D) of this section. 29901

Notice to the owner, leaseholder, or assignee shall be made 29902
by either of the following: 29903

(1) Certified mail, overnight delivery service, hand 29904
delivery, or any other method that includes written evidence of 29905
receipt; 29906

(2) The sheriff of the county in which the owner, 29907
leaseholder, or assignee to be served resides, in one or more of 29908
the methods provided in the Ohio Rules of Civil Procedure. The 29909
sheriff may charge reasonable fees for that service. 29910

(C) Not later than thirty days after receipt under division 29911
(B) of this section of notification of the amount of an unpaid 29912
operation permit or inspection fee and any accrued late payment 29913
penalties, the owner, leaseholder, or assignee may object to the 29914
amount by delivering a written notice of objection to the health 29915
commissioner by any of the means provided for in division (B)(1) 29916
of this section. Not later than sixty days after receipt of the 29917
notice of objection, the county prosecutor, on behalf of the city 29918
or general health district, may file a civil action in the court 29919
of common pleas against the owner, leaseholder, or assignee. If 29920
the county prosecutor fails to commence suit within the sixty-day 29921
period, or if the action is commenced, but dismissed with 29922
prejudice before adjudication, the unpaid fee and any accrued late 29923
payment penalties are void and cannot be placed on the general tax 29924
list and duplicate as a lien against the real property. 29925

(D) If, in accordance with division (C) of this section, the 29926
owner, leaseholder, or assignee objects to the amount of the 29927
unpaid operation permit or inspection fee and any accrued late 29928
payment penalties and the county prosecutor commences suit and 29929
prevails in the action, the owner, leaseholder, or assignee 29930
objecting shall pay the amount of the fee, any accrued late 29931
payment penalties, and the costs of the action, as determined by 29932
the court. 29933

(E) If the owner, leaseholder, or assignee on which the 29934
notice required by division (B) of this section was served does 29935
not pay to the city or general health district the amount of an 29936
unpaid operation permit or inspection fee and any accrued late 29937
payment penalties within thirty days after receipt of the notice, 29938
or does not object to the amount in the manner provided in 29939
division (C) of this section, the health commissioner of the city 29940
or general health district or the commissioner's designated 29941
representative may certify, on or before the first Monday of 29942

September, the amount of the unpaid fee and any accrued late 29943
payment penalties to the county auditor to be placed on the 29944
general tax list and duplicate as provided in section 319.281 of 29945
the Revised Code. 29946

Sec. 3721.51. The department of job and family services shall 29947
do all of the following: 29948

(A) Subject to division (C) of this section and for the 29949
purposes specified in sections 3721.56 and 3721.561 of the Revised 29950
Code, determine an annual franchise permit fee on each nursing 29951
home in an amount equal to six dollars and twenty-five cents ~~for~~ 29952
~~fiscal years 2006 and 2007 and one dollar for each fiscal year~~ 29953
~~thereafter~~, multiplied by the product of the following: 29954

(1) The number of beds licensed as nursing home beds, plus 29955
any other beds certified as skilled nursing facility beds under 29956
Title XVIII or nursing facility beds under Title XIX on the first 29957
day of May of the calendar year in which the fee is determined 29958
pursuant to division (A) of section 3721.53 of the Revised Code; 29959

(2) The number of days in the fiscal year beginning on the 29960
first day of July of the calendar year in which the fee is 29961
determined pursuant to division (A) of section 3721.53 of the 29962
Revised Code. 29963

(B) Subject to division (C) of this section and for the 29964
purposes specified in sections 3721.56 and 3721.561 of the Revised 29965
Code, determine an annual franchise permit fee on each hospital in 29966
an amount equal to six dollars and twenty-five cents ~~for fiscal~~ 29967
~~years 2006 and 2007 and one dollar for each fiscal year~~ 29968
~~thereafter~~, multiplied by the product of the following: 29969

(1) The number of beds registered pursuant to section 3701.07 29970
of the Revised Code as skilled nursing facility beds or long-term 29971
care beds, plus any other beds licensed as nursing home beds under 29972

section 3721.02 or 3721.09 of the Revised Code, on the first day 29973
of May of the calendar year in which the fee is determined 29974
pursuant to division (A) of section 3721.53 of the Revised Code; 29975

(2) The number of days in the fiscal year beginning on the 29976
first day of July of the calendar year in which the fee is 29977
determined pursuant to division (A) of section 3721.53 of the 29978
Revised Code. 29979

(C) If the United States centers for medicare and medicaid 29980
services determines that the franchise permit fee established by 29981
sections 3721.50 to 3721.58 of the Revised Code is an 29982
impermissible health care related tax under section 1903(w) of the 29983
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 29984
amended, take all necessary actions to cease implementation of 29985
sections 3721.50 to 3721.58 of the Revised Code in accordance with 29986
rules adopted under section 3721.58 of the Revised Code. 29987

Sec. 3721.541. (A) In addition to assessing a penalty 29988
pursuant to section 3721.54 of the Revised Code, the department of 29989
job and family services may do either or both of the following if 29990
a nursing facility or hospital fails to pay the full amount of a 29991
franchise permit fee installment when due: 29992

(1) ~~Withhold~~ Offset an amount less than or equal to the 29993
installment and penalty assessed under section 3721.54 of the 29994
Revised Code from a medicaid payment due the nursing facility or 29995
hospital ~~until the nursing facility or hospital pays the~~ 29996
~~installment and penalty;~~ 29997

(2) Terminate the nursing facility or hospital's medicaid 29998
provider agreement. 29999

(B) The department may ~~withhold~~ offset a medicaid payment 30000
under division (A)(1) of this section without providing notice to 30001
the nursing facility or hospital and without conducting an 30002

adjudication under Chapter 119. of the Revised Code. 30003

Sec. 3721.56. There is hereby created in the state treasury 30004
the home- and community-based services for the aged fund. Sixteen 30005
per cent of all payments and penalties paid by nursing homes and 30006
hospitals under sections 3721.53 and 3721.54 of the Revised Code 30007
~~for fiscal years 2006 and 2007, and all such payments and~~ 30008
~~penalties paid for subsequent fiscal years,~~ shall be deposited 30009
into the fund. The departments of job and family services and 30010
aging shall use the moneys in the fund to fund the following in 30011
accordance with rules adopted under section 3721.58 of the Revised 30012
Code: 30013

(A) The medicaid program established under Chapter 5111. of 30014
the Revised Code, including the PASSPORT program established under 30015
section 173.40 of the Revised Code; 30016

(B) The residential state supplement program established 30017
under section 173.35 of the Revised Code. 30018

Sec. 3734.57. (A) The following fees are hereby levied on the 30019
transfer or disposal of solid wastes in this state: 30020

(1) One dollar per ton on and after July 1, 2003, through 30021
June 30, ~~2008~~ 2010, one-half of the proceeds of which shall be 30022
deposited in the state treasury to the credit of the hazardous 30023
waste facility management fund created in section 3734.18 of the 30024
Revised Code and one-half of the proceeds of which shall be 30025
deposited in the state treasury to the credit of the hazardous 30026
waste clean-up fund created in section 3734.28 of the Revised 30027
Code; 30028

(2) An additional one dollar per ton on and after July 1, 30029
2003, through June 30, ~~2008~~ 2010, the proceeds of which shall be 30030
deposited in the state treasury to the credit of the solid waste 30031
fund, which is hereby created. The environmental protection agency 30032

shall use money in the solid waste fund to pay the costs of 30033
administering and enforcing the laws pertaining to solid wastes, 30034
infectious wastes, and construction and demolition debris, 30035
including, without limitation, ground water evaluations related to 30036
solid wastes, infectious wastes, and construction and demolition 30037
debris, under this chapter and Chapter 3714. of the Revised Code 30038
and any rules adopted under them, providing compliance assistance 30039
to small businesses, and paying a share of the administrative 30040
costs of the environmental protection agency pursuant to section 30041
3745.014 of the Revised Code. 30042

(3) An additional one dollar and fifty cents per ton on and 30043
after July 1, 2005, through June 30, ~~2008~~ 2010, the proceeds of 30044
which shall be deposited in the state treasury to the credit of 30045
the environmental protection fund created in section 3745.015 of 30046
the Revised Code. 30047

In the case of solid wastes that are taken to a solid waste 30048
transfer facility located in this state prior to being transported 30049
for disposal at a solid waste disposal facility located in this 30050
state or outside of this state, the fees levied under this 30051
division shall be collected by the owner or operator of the 30052
transfer facility as a trustee for the state. The amount of fees 30053
required to be collected under this division at such a transfer 30054
facility shall equal the total tonnage of solid wastes received at 30055
the facility multiplied by the fees levied under this division. In 30056
the case of solid wastes that are not taken to a solid waste 30057
transfer facility located in this state prior to being transported 30058
to a solid waste disposal facility, the fees shall be collected by 30059
the owner or operator of the solid waste disposal facility as a 30060
trustee for the state. The amount of fees required to be collected 30061
under this division at such a disposal facility shall equal the 30062
total tonnage of solid wastes received at the facility that was 30063
not previously taken to a solid waste transfer facility located in 30064

this state multiplied by the fees levied under this division. Fees 30065
levied under this division do not apply to materials separated 30066
from a mixed waste stream for recycling by a generator or 30067
materials removed from the solid waste stream through recycling, 30068
as "recycling" is defined in rules adopted under section 3734.02 30069
of the Revised Code. 30070

The owner or operator of a solid waste transfer facility or 30071
disposal facility, as applicable, shall prepare and file with the 30072
director of environmental protection each month a return 30073
indicating the total tonnage of solid wastes received at the 30074
facility during that month and the total amount of the fees 30075
required to be collected under this division during that month. In 30076
addition, the owner or operator of a solid waste disposal facility 30077
shall indicate on the return the total tonnage of solid wastes 30078
received from transfer facilities located in this state during 30079
that month for which the fees were required to be collected by the 30080
transfer facilities. The monthly returns shall be filed on a form 30081
prescribed by the director. Not later than thirty days after the 30082
last day of the month to which a return applies, the owner or 30083
operator shall mail to the director the return for that month 30084
together with the fees required to be collected under this 30085
division during that month as indicated on the return. If the 30086
return is filed and the amount of the fees due is paid in a timely 30087
manner as required in this division, the owner or operator may 30088
retain a discount of three-fourths of one per cent of the total 30089
amount of the fees that are required to be paid as indicated on 30090
the return. 30091

The owner or operator may request an extension of not more 30092
than thirty days for filing the return and remitting the fees, 30093
provided that the owner or operator has submitted such a request 30094
in writing to the director together with a detailed description of 30095
why the extension is requested, the director has received the 30096

request not later than the day on which the return is required to 30097
be filed, and the director has approved the request. If the fees 30098
are not remitted within thirty days after the last day of the 30099
month to which the return applies or are not remitted by the last 30100
day of an extension approved by the director, the owner or 30101
operator shall not retain the three-fourths of one per cent 30102
discount and shall pay an additional ten per cent of the amount of 30103
the fees for each month that they are late. For purposes of 30104
calculating the late fee, the first month in which fees are late 30105
begins on the first day after the deadline has passed for timely 30106
submitting the return and fees, and one additional month shall be 30107
counted every thirty days thereafter. 30108

The owner or operator of a solid waste facility may request a 30109
refund or credit of fees levied under this division and remitted 30110
to the director that have not been paid to the owner or operator. 30111
Such a request shall be made only if the fees have not been 30112
collected by the owner or operator, have become a debt that has 30113
become worthless or uncollectable for a period of six months or 30114
more, and may be claimed as a deduction, including a deduction 30115
claimed if the owner or operator keeps accounts on an accrual 30116
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 30117
U.S.C. 166, as amended, and regulations adopted under it. Prior to 30118
making a request for a refund or credit, an owner or operator 30119
shall make reasonable efforts to collect the applicable fees. A 30120
request for a refund or credit shall not include any costs 30121
resulting from those efforts to collect unpaid fees. 30122

A request for a refund or credit of fees shall be made in 30123
writing, on a form prescribed by the director, and shall be 30124
supported by evidence that may be required in rules adopted by the 30125
director under this chapter. After reviewing the request, and if 30126
the request and evidence submitted with the request indicate that 30127
a refund or credit is warranted, the director shall grant a refund 30128

to the owner or operator or shall permit a credit to be taken by 30129
the owner or operator on a subsequent monthly return submitted by 30130
the owner or operator. The amount of a refund or credit shall not 30131
exceed an amount that is equal to ninety days' worth of fees owed 30132
to an owner or operator by a particular debtor of the owner or 30133
operator. A refund or credit shall not be granted by the director 30134
to an owner or operator more than once in any twelve-month period 30135
for fees owed to the owner or operator by a particular debtor. 30136

If, after receiving a refund or credit from the director, an 30137
owner or operator receives payment of all or part of the fees, the 30138
owner or operator shall remit the fees with the next monthly 30139
return submitted to the director together with a written 30140
explanation of the reason for the submittal. 30141

For purposes of computing the fees levied under this division 30142
or division (B) of this section, any solid waste transfer or 30143
disposal facility that does not use scales as a means of 30144
determining gate receipts shall use a conversion factor of three 30145
cubic yards per ton of solid waste or one cubic yard per ton for 30146
baled waste, as applicable. 30147

The fees levied under this division and divisions (B) and (C) 30148
of this section are in addition to all other applicable fees and 30149
taxes and shall be paid by the customer or a political subdivision 30150
to the owner or operator of a solid waste transfer or disposal 30151
facility notwithstanding the existence of any provision in a 30152
contract that the customer or a political subdivision may have 30153
with the owner or operator or with a transporter of waste to the 30154
facility that would not require or allow such payment. 30155

(B) For the purposes specified in division (G) of this 30156
section, the solid waste management policy committee of a county 30157
or joint solid waste management district may levy fees upon the 30158
following activities: 30159

(1) The disposal at a solid waste disposal facility located 30160
in the district of solid wastes generated within the district; 30161

(2) The disposal at a solid waste disposal facility within 30162
the district of solid wastes generated outside the boundaries of 30163
the district, but inside this state; 30164

(3) The disposal at a solid waste disposal facility within 30165
the district of solid wastes generated outside the boundaries of 30166
this state. 30167

The solid waste management plan of the county or joint 30168
district approved under section 3734.521 or 3734.55 of the Revised 30169
Code and any amendments to it, or the resolution adopted under 30170
this division, as appropriate, shall establish the rates of the 30171
fees levied under divisions (B)(1), (2), and (3) of this section, 30172
if any, and shall specify whether the fees are levied on the basis 30173
of tons or cubic yards as the unit of measurement. A solid waste 30174
management district that levies fees under this division on the 30175
basis of cubic yards shall do so in accordance with division (A) 30176
of this section. 30177

The fee levied under division (B)(1) of this section shall be 30178
not less than one dollar per ton nor more than two dollars per 30179
ton, the fee levied under division (B)(2) of this section shall be 30180
not less than two dollars per ton nor more than four dollars per 30181
ton, and the fee levied under division (B)(3) of this section 30182
shall be not more than the fee levied under division (B)(1) of 30183
this section. 30184

Prior to the approval of the solid waste management plan of a 30185
district under section 3734.55 of the Revised Code, the solid 30186
waste management policy committee of a district may levy fees 30187
under this division by adopting a resolution establishing the 30188
proposed amount of the fees. Upon adopting the resolution, the 30189
committee shall deliver a copy of the resolution to the board of 30190

county commissioners of each county forming the district and to 30191
the legislative authority of each municipal corporation and 30192
township under the jurisdiction of the district and shall prepare 30193
and publish the resolution and a notice of the time and location 30194
where a public hearing on the fees will be held. Upon adopting the 30195
resolution, the committee shall deliver written notice of the 30196
adoption of the resolution; of the amount of the proposed fees; 30197
and of the date, time, and location of the public hearing to the 30198
director and to the fifty industrial, commercial, or institutional 30199
generators of solid wastes within the district that generate the 30200
largest quantities of solid wastes, as determined by the 30201
committee, and to their local trade associations. The committee 30202
shall make good faith efforts to identify those generators within 30203
the district and their local trade associations, but the 30204
nonprovision of notice under this division to a particular 30205
generator or local trade association does not invalidate the 30206
proceedings under this division. The publication shall occur at 30207
least thirty days before the hearing. After the hearing, the 30208
committee may make such revisions to the proposed fees as it 30209
considers appropriate and thereafter, by resolution, shall adopt 30210
the revised fee schedule. Upon adopting the revised fee schedule, 30211
the committee shall deliver a copy of the resolution doing so to 30212
the board of county commissioners of each county forming the 30213
district and to the legislative authority of each municipal 30214
corporation and township under the jurisdiction of the district. 30215
Within sixty days after the delivery of a copy of the resolution 30216
adopting the proposed revised fees by the policy committee, each 30217
such board and legislative authority, by ordinance or resolution, 30218
shall approve or disapprove the revised fees and deliver a copy of 30219
the ordinance or resolution to the committee. If any such board or 30220
legislative authority fails to adopt and deliver to the policy 30221
committee an ordinance or resolution approving or disapproving the 30222
revised fees within sixty days after the policy committee 30223

delivered its resolution adopting the proposed revised fees, it 30224
shall be conclusively presumed that the board or legislative 30225
authority has approved the proposed revised fees. The committee 30226
shall determine if the resolution has been ratified in the same 30227
manner in which it determines if a draft solid waste management 30228
plan has been ratified under division (B) of section 3734.55 of 30229
the Revised Code. 30230

The committee may amend the schedule of fees levied pursuant 30231
to a resolution adopted and ratified under this division by 30232
adopting a resolution establishing the proposed amount of the 30233
amended fees. The committee may repeal the fees levied pursuant to 30234
such a resolution by adopting a resolution proposing to repeal 30235
them. Upon adopting such a resolution, the committee shall proceed 30236
to obtain ratification of the resolution in accordance with this 30237
division. 30238

Not later than fourteen days after declaring the new fees to 30239
be ratified or the fees to be repealed under this division, the 30240
committee shall notify by certified mail the owner or operator of 30241
each solid waste disposal facility that is required to collect the 30242
fees of the ratification and the amount of the fees or of the 30243
repeal of the fees. Collection of any fees shall commence or 30244
collection of repealed fees shall cease on the first day of the 30245
second month following the month in which notification is sent to 30246
the owner or operator. 30247

Fees levied under this division also may be established, 30248
amended, or repealed by a solid waste management policy committee 30249
through the adoption of a new district solid waste management 30250
plan, the adoption of an amended plan, or the amendment of the 30251
plan or amended plan in accordance with sections 3734.55 and 30252
3734.56 of the Revised Code or the adoption or amendment of a 30253
district plan in connection with a change in district composition 30254
under section 3734.521 of the Revised Code. 30255

Not later than fourteen days after the director issues an order approving a district's solid waste management plan, amended plan, or amendment to a plan or amended plan that establishes, amends, or repeals a schedule of fees levied by the district, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees, if any. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees, if any. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the issuance of the notice and of the amount of the fees

or amended fees levied under divisions (B)(1) to (3) of this 30289
section pursuant to the district's initial or amended plan as so 30290
approved or, if appropriate, the repeal of the district's fees by 30291
that initial or amended plan. Collection of any fees set forth in 30292
such a plan or amended plan shall commence on the first day of 30293
January immediately following the issuance of the notice. If such 30294
an initial or amended plan repeals a schedule of fees, collection 30295
of the fees shall cease on that first day of January. 30296

If, in the case of a change in district composition involving 30297
the withdrawal of a county from a joint district, the director 30298
completes the actions required under division (G)(1) or (3) of 30299
section 3734.521 of the Revised Code, as appropriate, less than 30300
forty-five days before the beginning of a calendar year, the 30301
director, on behalf of each of the districts resulting from the 30302
change that obtained the director's approval of an initial or 30303
amended plan in connection with the change proceedings, shall 30304
notify by certified mail the owner or operator of each solid waste 30305
disposal facility that is required to collect the district's fees 30306
that the change is to take effect on the first day of January 30307
immediately following the mailing of the notice and of the amount 30308
of the fees or amended fees levied under divisions (B)(1) to (3) 30309
of this section pursuant to the district's initial or amended plan 30310
as so approved or, if appropriate, the repeal of the district's 30311
fees by that initial or amended plan. Collection of any fees set 30312
forth in such a plan or amended plan shall commence on the first 30313
day of the second month following the month in which notification 30314
is sent to the owner or operator. If such an initial or amended 30315
plan repeals a schedule of fees, collection of the fees shall 30316
cease on the first day of the second month following the month in 30317
which notification is sent to the owner or operator. 30318

If the schedule of fees that a solid waste management 30319
district is levying under divisions (B)(1) to (3) of this section 30320

is amended or repealed, the fees in effect immediately prior to 30321
the amendment or repeal shall continue to be collected until 30322
collection of the amended fees commences or collection of the 30323
repealed fees ceases, as applicable, as specified in this 30324
division. In the case of a change in district composition, money 30325
so received from the collection of the fees of the former 30326
districts shall be divided among the resulting districts in 30327
accordance with division (B) of section 343.012 of the Revised 30328
Code and the agreements entered into under division (B) of section 30329
343.01 of the Revised Code to establish the former and resulting 30330
districts and any amendments to those agreements. 30331

For the purposes of the provisions of division (B) of this 30332
section establishing the times when newly established or amended 30333
fees levied by a district are required to commence and the 30334
collection of fees that have been amended or repealed is required 30335
to cease, "fees" or "schedule of fees" includes, in addition to 30336
fees levied under divisions (B)(1) to (3) of this section, those 30337
levied under section 3734.573 or 3734.574 of the Revised Code. 30338

(C) For the purposes of defraying the added costs to a 30339
municipal corporation or township of maintaining roads and other 30340
public facilities and of providing emergency and other public 30341
services, and compensating a municipal corporation or township for 30342
reductions in real property tax revenues due to reductions in real 30343
property valuations resulting from the location and operation of a 30344
solid waste disposal facility within the municipal corporation or 30345
township, a municipal corporation or township in which such a 30346
solid waste disposal facility is located may levy a fee of not 30347
more than twenty-five cents per ton on the disposal of solid 30348
wastes at a solid waste disposal facility located within the 30349
boundaries of the municipal corporation or township regardless of 30350
where the wastes were generated. 30351

The legislative authority of a municipal corporation or 30352

township may levy fees under this division by enacting an 30353
ordinance or adopting a resolution establishing the amount of the 30354
fees. Upon so doing the legislative authority shall mail a 30355
certified copy of the ordinance or resolution to the board of 30356
county commissioners or directors of the county or joint solid 30357
waste management district in which the municipal corporation or 30358
township is located or, if a regional solid waste management 30359
authority has been formed under section 343.011 of the Revised 30360
Code, to the board of trustees of that regional authority, the 30361
owner or operator of each solid waste disposal facility in the 30362
municipal corporation or township that is required to collect the 30363
fee by the ordinance or resolution, and the director of 30364
environmental protection. Although the fees levied under this 30365
division are levied on the basis of tons as the unit of 30366
measurement, the legislative authority, in its ordinance or 30367
resolution levying the fees under this division, may direct that 30368
the fees be levied on the basis of cubic yards as the unit of 30369
measurement based upon a conversion factor of three cubic yards 30370
per ton generally or one cubic yard per ton for baled wastes. 30371

Not later than five days after enacting an ordinance or 30372
adopting a resolution under this division, the legislative 30373
authority shall so notify by certified mail the owner or operator 30374
of each solid waste disposal facility that is required to collect 30375
the fee. Collection of any fee levied on or after March 24, 1992, 30376
shall commence on the first day of the second month following the 30377
month in which notification is sent to the owner or operator. 30378

(D)(1) The fees levied under divisions (A), (B), and (C) of 30379
this section do not apply to the disposal of solid wastes that: 30380

(a) Are disposed of at a facility owned by the generator of 30381
the wastes when the solid waste facility exclusively disposes of 30382
solid wastes generated at one or more premises owned by the 30383
generator regardless of whether the facility is located on a 30384

premises where the wastes are generated; 30385

(b) Are disposed of at facilities that exclusively dispose of 30386
wastes that are generated from the combustion of coal, or from the 30387
combustion of primarily coal in combination with scrap tires, that 30388
is not combined in any way with garbage at one or more premises 30389
owned by the generator. 30390

(2) Except as provided in section 3734.571 of the Revised 30391
Code, any fees levied under division (B)(1) of this section apply 30392
to solid wastes originating outside the boundaries of a county or 30393
joint district that are covered by an agreement for the joint use 30394
of solid waste facilities entered into under section 343.02 of the 30395
Revised Code by the board of county commissioners or board of 30396
directors of the county or joint district where the wastes are 30397
generated and disposed of. 30398

(3) When solid wastes, other than solid wastes that consist 30399
of scrap tires, are burned in a disposal facility that is an 30400
incinerator or energy recovery facility, the fees levied under 30401
divisions (A), (B), and (C) of this section shall be levied upon 30402
the disposal of the fly ash and bottom ash remaining after burning 30403
of the solid wastes and shall be collected by the owner or 30404
operator of the sanitary landfill where the ash is disposed of. 30405

(4) When solid wastes are delivered to a solid waste transfer 30406
facility, the fees levied under divisions (B) and (C) of this 30407
section shall be levied upon the disposal of solid wastes 30408
transported off the premises of the transfer facility for disposal 30409
and shall be collected by the owner or operator of the solid waste 30410
disposal facility where the wastes are disposed of. 30411

(5) The fees levied under divisions (A), (B), and (C) of this 30412
section do not apply to sewage sludge that is generated by a waste 30413
water treatment facility holding a national pollutant discharge 30414
elimination system permit and that is disposed of through 30415

incineration, land application, or composting or at another 30416
resource recovery or disposal facility that is not a landfill. 30417

(6) The fees levied under divisions (A), (B), and (C) of this 30418
section do not apply to solid wastes delivered to a solid waste 30419
composting facility for processing. When any unprocessed solid 30420
waste or compost product is transported off the premises of a 30421
composting facility and disposed of at a landfill, the fees levied 30422
under divisions (A), (B), and (C) of this section shall be 30423
collected by the owner or operator of the landfill where the 30424
unprocessed waste or compost product is disposed of. 30425

(7) When solid wastes that consist of scrap tires are 30426
processed at a scrap tire recovery facility, the fees levied under 30427
divisions (A), (B), and (C) of this section shall be levied upon 30428
the disposal of the fly ash and bottom ash or other solid wastes 30429
remaining after the processing of the scrap tires and shall be 30430
collected by the owner or operator of the solid waste disposal 30431
facility where the ash or other solid wastes are disposed of. 30432

(8) The director of environmental protection may issue an 30433
order exempting from the fees levied under this section solid 30434
wastes, including, but not limited to, scrap tires, that are 30435
generated, transferred, or disposed of as a result of a contract 30436
providing for the expenditure of public funds entered into by the 30437
administrator or regional administrator of the United States 30438
environmental protection agency, the director of environmental 30439
protection, or the director of administrative services on behalf 30440
of the director of environmental protection for the purpose of 30441
remediating conditions at a hazardous waste facility, solid waste 30442
facility, or other location at which the administrator or regional 30443
administrator or the director of environmental protection has 30444
reason to believe that there is a substantial threat to public 30445
health or safety or the environment or that the conditions are 30446
causing or contributing to air or water pollution or soil 30447

contamination. An order issued by the director of environmental 30448
protection under division (D)(8) of this section shall include a 30449
determination that the amount of the fees not received by a solid 30450
waste management district as a result of the order will not 30451
adversely impact the implementation and financing of the 30452
district's approved solid waste management plan and any approved 30453
amendments to the plan. Such an order is a final action of the 30454
director of environmental protection. 30455

(E) The fees levied under divisions (B) and (C) of this 30456
section shall be collected by the owner or operator of the solid 30457
waste disposal facility where the wastes are disposed of as a 30458
trustee for the county or joint district and municipal corporation 30459
or township where the wastes are disposed of. Moneys from the fees 30460
levied under division (B) of this section shall be forwarded to 30461
the board of county commissioners or board of directors of the 30462
district in accordance with rules adopted under division (H) of 30463
this section. Moneys from the fees levied under division (C) of 30464
this section shall be forwarded to the treasurer or such other 30465
officer of the municipal corporation as, by virtue of the charter, 30466
has the duties of the treasurer or to the fiscal officer of the 30467
township, as appropriate, in accordance with those rules. 30468

(F) Moneys received by the treasurer or other officer of the 30469
municipal corporation under division (E) of this section shall be 30470
paid into the general fund of the municipal corporation. Moneys 30471
received by the fiscal officer of the township under that division 30472
shall be paid into the general fund of the township. The treasurer 30473
or other officer of the municipal corporation or the township 30474
fiscal officer, as appropriate, shall maintain separate records of 30475
the moneys received from the fees levied under division (C) of 30476
this section. 30477

(G) Moneys received by the board of county commissioners or 30478
board of directors under division (E) of this section or section 30479

3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 30480
shall be paid to the county treasurer, or other official acting in 30481
a similar capacity under a county charter, in a county district or 30482
to the county treasurer or other official designated by the board 30483
of directors in a joint district and kept in a separate and 30484
distinct fund to the credit of the district. If a regional solid 30485
waste management authority has been formed under section 343.011 30486
of the Revised Code, moneys received by the board of trustees of 30487
that regional authority under division (E) of this section shall 30488
be kept by the board in a separate and distinct fund to the credit 30489
of the district. Moneys in the special fund of the county or joint 30490
district arising from the fees levied under division (B) of this 30491
section and the fee levied under division (A) of section 3734.573 30492
of the Revised Code shall be expended by the board of county 30493
commissioners or directors of the district in accordance with the 30494
district's solid waste management plan or amended plan approved 30495
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 30496
exclusively for the following purposes: 30497

(1) Preparation of the solid waste management plan of the 30498
district under section 3734.54 of the Revised Code, monitoring 30499
implementation of the plan, and conducting the periodic review and 30500
amendment of the plan required by section 3734.56 of the Revised 30501
Code by the solid waste management policy committee; 30502

(2) Implementation of the approved solid waste management 30503
plan or amended plan of the district, including, without 30504
limitation, the development and implementation of solid waste 30505
recycling or reduction programs; 30506

(3) Providing financial assistance to boards of health within 30507
the district, if solid waste facilities are located within the 30508
district, for enforcement of this chapter and rules, orders, and 30509
terms and conditions of permits, licenses, and variances adopted 30510
or issued under it, other than the hazardous waste provisions of 30511

this chapter and rules adopted and orders and terms and conditions	30512
of permits issued under those provisions;	30513
(4) Providing financial assistance to each county within the	30514
district to defray the added costs of maintaining roads and other	30515
public facilities and of providing emergency and other public	30516
services resulting from the location and operation of a solid	30517
waste facility within the county under the district's approved	30518
solid waste management plan or amended plan;	30519
(5) Pursuant to contracts entered into with boards of health	30520
within the district, if solid waste facilities contained in the	30521
district's approved plan or amended plan are located within the	30522
district, for paying the costs incurred by those boards of health	30523
for collecting and analyzing samples from public or private water	30524
wells on lands adjacent to those facilities;	30525
(6) Developing and implementing a program for the inspection	30526
of solid wastes generated outside the boundaries of this state	30527
that are disposed of at solid waste facilities included in the	30528
district's approved solid waste management plan or amended plan;	30529
(7) Providing financial assistance to boards of health within	30530
the district for the enforcement of section 3734.03 of the Revised	30531
Code or to local law enforcement agencies having jurisdiction	30532
within the district for enforcing anti-littering laws and	30533
ordinances;	30534
(8) Providing financial assistance to boards of health of	30535
health districts within the district that are on the approved list	30536
under section 3734.08 of the Revised Code to defray the costs to	30537
the health districts for the participation of their employees	30538
responsible for enforcement of the solid waste provisions of this	30539
chapter and rules adopted and orders and terms and conditions of	30540
permits, licenses, and variances issued under those provisions in	30541
the training and certification program as required by rules	30542

adopted under division (L) of section 3734.02 of the Revised Code; 30543

(9) Providing financial assistance to individual municipal 30544
corporations and townships within the district to defray their 30545
added costs of maintaining roads and other public facilities and 30546
of providing emergency and other public services resulting from 30547
the location and operation within their boundaries of a 30548
composting, energy or resource recovery, incineration, or 30549
recycling facility that either is owned by the district or is 30550
furnishing solid waste management facility or recycling services 30551
to the district pursuant to a contract or agreement with the board 30552
of county commissioners or directors of the district; 30553

(10) Payment of any expenses that are agreed to, awarded, or 30554
ordered to be paid under section 3734.35 of the Revised Code and 30555
of any administrative costs incurred pursuant to that section. In 30556
the case of a joint solid waste management district, if the board 30557
of county commissioners of one of the counties in the district is 30558
negotiating on behalf of affected communities, as defined in that 30559
section, in that county, the board shall obtain the approval of 30560
the board of directors of the district in order to expend moneys 30561
for administrative costs incurred. 30562

Prior to the approval of the district's solid waste 30563
management plan under section 3734.55 of the Revised Code, moneys 30564
in the special fund of the district arising from the fees shall be 30565
expended for those purposes in the manner prescribed by the solid 30566
waste management policy committee by resolution. 30567

Notwithstanding division (G)(6) of this section as it existed 30568
prior to October 29, 1993, or any provision in a district's solid 30569
waste management plan prepared in accordance with division 30570
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 30571
prior to that date, any moneys arising from the fees levied under 30572
division (B)(3) of this section prior to January 1, 1994, may be 30573
expended for any of the purposes authorized in divisions (G)(1) to 30574

(10) of this section. 30575

(H) The director shall adopt rules in accordance with Chapter 30576
119. of the Revised Code prescribing procedures for collecting and 30577
forwarding the fees levied under divisions (B) and (C) of this 30578
section to the boards of county commissioners or directors of 30579
county or joint solid waste management districts and to the 30580
treasurers or other officers of municipal corporations and the 30581
fiscal officers of townships. The rules also shall prescribe the 30582
dates for forwarding the fees to the boards and officials and may 30583
prescribe any other requirements the director considers necessary 30584
or appropriate to implement and administer divisions (A), (B), and 30585
(C) of this section. 30586

Sec. 3735.672. (A) On or before the thirty-first day of March 30587
each year, a legislative authority that has entered into an 30588
agreement with a party under section 3735.671 of the Revised Code 30589
shall submit to the director of development and the board of 30590
education of each school district of which a municipal corporation 30591
or township to which such an agreement applies is a part a report 30592
on all such agreements in effect during the preceding calendar 30593
year. The report shall include the following information: 30594

(1) The designation, assigned by the director of development, 30595
of each community reinvestment area within the municipal 30596
corporation or county, and the total population of each area 30597
according to the most recent data available; 30598

(2) The number of agreements and the number of full-time 30599
employees subject to those agreements within each area, each 30600
according to the most recent data available and identified and 30601
categorized by the appropriate standard industrial code, and the 30602
rate of unemployment in the municipal corporation or county in 30603
which the area is located for each year since the area was 30604
certified; 30605

(3) The number of agreements approved and executed during the calendar year for which the report is submitted, the total number of agreements in effect on the thirty-first day of December of the preceding calendar year, the number of agreements that expired during the calendar year for which the report is submitted, and the number of agreements scheduled to expire during the calendar year in which the report is submitted. For each agreement that expired during the calendar year for which the report is submitted, the legislative authority shall include the amount of taxes exempted under the agreement.

(4) The number of agreements receiving compliance reviews by the tax incentive review council in the municipal corporation or county during the calendar year for which the report is submitted, including all of the following information:

(a) The number of agreements the terms of which the party has complied with, indicating separately for each such agreement the value of the real property exempted pursuant to the agreement and a comparison of the stipulated and actual schedules for hiring new employees, for retaining existing employees, and for the amount of payroll of the party attributable to these employees;

(b) The number of agreements the terms of which a party has failed to comply with, indicating separately for each such agreement the value of the real and personal property exempted pursuant to the agreement and a comparison of the stipulated and actual schedules for hiring new employees, for retaining existing employees, and for the amount of payroll of the enterprise attributable to these employees;

(c) The number of agreements about which the tax incentive review council made recommendations to the legislative authority, and the number of such recommendations that have not been followed;

(d) The number of agreements rescinded during the calendar year for which the report is submitted.	30637 30638
(5) The number of parties subject to agreements that expanded within each area, including the number of new employees hired and existing employees retained by that party, and the number of new parties subject to agreements that established within each area, including the number of new employees hired by each party;	30639 30640 30641 30642 30643
(6) For each agreement in effect during any part of the preceding year, the number of employees employed by the party at the property that is the subject of the agreement immediately prior to formal approval of the agreement, the number of employees employed by the party at that property on the thirty-first day of December of the preceding year, the payroll of the party for the preceding year, the amount of taxes paid on real property that was exempted under the agreement, and the amount of such taxes that were not paid because of the exemption.	30644 30645 30646 30647 30648 30649 30650 30651 30652
(B) Upon the failure of a municipal corporation or county to comply with division (A) of this section:	30653 30654
(1) Beginning on the first day of April of the calendar year in which the municipal corporation or county fails to comply with that division, the municipal corporation or county shall not enter into any agreements under section 3735.671 of the Revised Code until the municipal corporation or county has complied with division (A) of this section.	30655 30656 30657 30658 30659 30660
(2) On the first day of each ensuing calendar month until the municipal corporation or county complies with that division, the director of development shall either order the proper county auditor to deduct from the next succeeding payment of taxes to the municipal corporation or county under section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an amount equal to five hundred dollars for each calendar month the municipal corporation	30661 30662 30663 30664 30665 30666 30667

or county fails to comply with that division, or order the county 30668
auditor to deduct such an amount from the next succeeding payment 30669
to the municipal corporation or county from the undivided local 30670
government fund under section 5747.51 of the Revised Code. At the 30671
time such a payment is made, the county auditor shall comply with 30672
the director's order by issuing a warrant, drawn on the fund from 30673
which such money would have been paid, to the director of 30674
development, who shall deposit the warrant into the state 30675
community reinvestment area program administration fund created in 30676
division (C) of this section. 30677

(C) The director, by rule, shall establish the state's 30678
application fee for applications submitted to a municipal 30679
corporation or county to enter into an agreement under section 30680
3735.671 of the Revised Code. In establishing the amount of the 30681
fee, the director shall consider the state's cost of administering 30682
the community reinvestment area program, including the cost of 30683
reviewing the reports required under division (A) of this section. 30684
The director may change the amount of the fee at such times and in 30685
such increments as ~~he~~ the director considers necessary. Any 30686
municipal corporation or county that receives an application shall 30687
collect the application fee and remit the fee for deposit in the 30688
state treasury to the credit of the ~~state community reinvestment~~ 30689
~~area program administration fund, which is hereby created. Money~~ 30690
~~credited to the fund shall be used by the department of~~ 30691
~~development to pay the costs of administering the community~~ 30692
~~reinvestment area program, including the cost of reviewing the~~ 30693
~~reports required under division (A) of this section~~ tax incentive 30694
programs operating fund created in section 122.174 of the Revised 30695
Code. 30696

Sec. 3743.17. (A) The license of a wholesaler of fireworks is 30697
effective for one year beginning on the first day of December. The 30698
fire marshal shall issue or renew a license only on that date and 30699

at no other time. If a wholesaler of fireworks wishes to continue 30700
engaging in the wholesale sale of fireworks at the particular 30701
location after its then effective license expires, it shall apply 30702
not later than the first day of October for a new license pursuant 30703
to section 3743.15 of the Revised Code. The fire marshal shall 30704
send a written notice of the expiration of its license to a 30705
licensed wholesaler at least three months before the expiration 30706
date. 30707

(B) If, during the effective period of its licensure, a 30708
licensed wholesaler of fireworks wishes to perform any 30709
construction, or make any structural change or renovation, on the 30710
premises on which the fireworks are sold, the wholesaler shall 30711
notify the fire marshal in writing. The fire marshal may require a 30712
licensed wholesaler also to submit documentation, including, but 30713
not limited to, plans covering the proposed construction or 30714
structural change or renovation, if the fire marshal determines 30715
the documentation is necessary for evaluation purposes in light of 30716
the proposed construction or structural change or renovation. 30717

Upon receipt of the notification and additional documentation 30718
required by the fire marshal, the fire marshal shall inspect the 30719
premises on which the fireworks are sold to determine if the 30720
proposed construction or structural change or renovation conforms 30721
to sections 3743.15 to 3743.21 of the Revised Code and the rules 30722
adopted by the fire marshal pursuant to section 3743.18 of the 30723
Revised Code. The fire marshal shall issue a written authorization 30724
to the wholesaler for the construction or structural change or 30725
renovation if the fire marshal determines, upon the inspection and 30726
a review of submitted documentation, that the construction or 30727
structural change or renovation conforms to those sections and 30728
rules. 30729

(C) The license of a wholesaler of fireworks authorizes the 30730
wholesaler to engage only in the following activities: 30731

(1) Possess for sale at wholesale and sell at wholesale 30732
fireworks to persons who are licensed wholesalers of fireworks, to 30733
out-of-state residents in accordance with section 3743.44 of the 30734
Revised Code, to residents of this state in accordance with 30735
section 3743.45 of the Revised Code, or to persons located in 30736
another state provided the fireworks are shipped directly out of 30737
this state to them by the wholesaler. The possession for sale 30738
shall be at the location described in the application for 30739
licensure or in the notification submitted under division (B) of 30740
this section, and the sale shall be from the inside of a licensed 30741
building and from no structure or device outside a licensed 30742
building. At no time shall a licensed wholesaler sell any class of 30743
fireworks outside a licensed building. 30744

(2) Possess for sale at retail and sell at retail fireworks, 30745
other than 1.4G fireworks as designated by the fire marshal in 30746
rules adopted pursuant to division (A) of section 3743.05 of the 30747
Revised Code, to licensed exhibitors in accordance with sections 30748
3743.50 to 3743.55 of the Revised Code, and possess for sale at 30749
retail and sell at retail fireworks, including 1.4G fireworks, to 30750
out-of-state residents in accordance with section 3743.44 of the 30751
Revised Code, to residents of this state in accordance with 30752
section 3743.45 of the Revised Code, or to persons located in 30753
another state provided the fireworks are shipped directly out of 30754
this state to them by the wholesaler. The possession for sale 30755
shall be at the location described in the application for 30756
licensure or in the notification submitted under division (B) of 30757
this section, and the sale shall be from the inside of the 30758
licensed building and from no other structure or device outside 30759
this licensed building. At no time shall a licensed wholesaler 30760
sell any class of fireworks outside a licensed building. 30761

A licensed wholesaler of fireworks shall sell under division 30762
(C) of this section only fireworks that meet the standards set by 30763

the consumer product safety commission or by the American 30764
fireworks standard laboratories or that have received an EX number 30765
from the United States department of transportation. 30766

(D) The license of a wholesaler of fireworks shall be 30767
protected under glass and posted in a conspicuous place at the 30768
location described in the application for licensure or in the 30769
notification submitted under division (B) of this section. Except 30770
as otherwise provided in this section, the license is not 30771
transferable or assignable. A license may be transferred to 30772
another person for the same location for which the license was 30773
issued if the assets of the wholesaler are transferred to that 30774
person by inheritance or by a sale approved by the fire marshal. 30775
The license is subject to revocation in accordance with section 30776
3743.21 of the Revised Code. 30777

(E) The fire marshal shall adopt rules for the expansion or 30778
contraction of a licensed premises and for the approval of an 30779
expansion or contraction. The boundaries of a licensed premises, 30780
including any geographic expansion or contraction of those 30781
boundaries, shall be approved by the fire marshal in accordance 30782
with rules the fire marshal adopts. If the licensed premises of a 30783
licensed wholesaler from which the wholesaler operates consists of 30784
more than one parcel of real estate, those parcels must be 30785
contiguous, unless an exception is allowed pursuant to division 30786
(G) of this section. 30787

(F)(1) Upon application by a licensed wholesaler of 30788
fireworks, a wholesaler license may be transferred from one 30789
geographic location to another within the same municipal 30790
corporation or within the unincorporated area of the same 30791
township, but only if all of the following apply: 30792

(a) The identity of the holder of the license remains the 30793
same in the new location. 30794

(b) The former location is closed prior to the opening of the 30795
new location and no fireworks business of any kind is conducted at 30796
the former location after the transfer of the license. 30797

(c) The new location has received a local certificate of 30798
zoning compliance and a local certificate of occupancy, and 30799
otherwise is in compliance with all local building regulations. 30800

~~(d) The transfer of the license is requested by the licensee 30801
because the existing facility poses an immediate hazard to the 30802
public. 30803~~

~~(e)~~ Every building or structure at the new location is 30804
separated from occupied residential and nonresidential buildings 30805
or structures, railroads, highways, or any other buildings or 30806
structures located on the licensed premises in accordance with the 30807
distances specified in the rules adopted by the fire marshal 30808
pursuant to section 3743.18 of the Revised Code. If the licensee 30809
fails to comply with the requirements of division (F)(1)(e) of 30810
this section by the licensee's own act, the license at the new 30811
location is forfeited. 30812

~~(f)~~(e) Neither the licensee nor any person holding, owning, 30813
or controlling a five per cent or greater beneficial or equity 30814
interest in the licensee has been convicted of or has pleaded 30815
guilty to a felony under the laws of this state, any other state, 30816
or the United States after June 30, 1997. 30817

~~(g)~~(f) The fire marshal approves the request for the 30818
transfer. 30819

(2) The new location shall comply with the requirements 30820
specified in divisions (A)(1) and (2) of section 3743.25 of the 30821
Revised Code whether or not the fireworks showroom at the new 30822
location is constructed, expanded, or first begins operating on 30823
and after June 30, 1997. 30824

(G)(1) A licensed wholesaler may expand its licensed premises 30825

within this state to include not more than two storage locations 30826
that are located upon one or more real estate parcels that are 30827
noncontiguous to the licensed premises as that licensed premises 30828
exists on the date a licensee submits an application as described 30829
below, if all of the following apply: 30830

(a) The licensee submits an application to the fire marshal 30831
requesting the expansion and an application fee of one hundred 30832
dollars per storage location for which the licensee is requesting 30833
approval. 30834

(b) The identity of the holder of the license remains the 30835
same at the storage location. 30836

(c) The storage location has received a valid certificate of 30837
zoning compliance, as applicable, and a valid certificate of 30838
occupancy for each building or structure at the storage location 30839
issued by the authority having jurisdiction to issue the 30840
certificate for the storage location, and those certificates 30841
permit the distribution and storage of fireworks regulated under 30842
this chapter at the storage location and in the buildings or 30843
structures. The storage location shall be in compliance with all 30844
other applicable federal, state, and local laws and regulations. 30845

(d) Every building or structure located upon the storage 30846
location is separated from occupied residential and nonresidential 30847
buildings or structures, railroads, highways, and any other 30848
buildings or structures on the licensed premises in accordance 30849
with the distances specified in the rules adopted by the fire 30850
marshal pursuant to section 3743.18 of the Revised Code. 30851

(e) Neither the licensee nor any person holding, owning, or 30852
controlling a five per cent or greater beneficial or equity 30853
interest in the licensee has been convicted of or pleaded guilty 30854
to a felony under the laws of this state, any other state, or the 30855
United States, after ~~the effective date of this amendment~~ 30856

September 29, 2005. 30857

(f) The fire marshal approves the application for expansion. 30858

(2) The fire marshal shall approve an application for 30859
expansion requested under division (G)(1) of this section if the 30860
fire marshal receives the application fee and proof that the 30861
requirements of divisions (G)(1)(b) to (e) of this section are 30862
satisfied. The storage location shall be considered part of the 30863
original licensed premises and shall use the same distinct number 30864
assigned to the original licensed premises with any additional 30865
designations as the fire marshal deems necessary in accordance 30866
with section 3743.16 of the Revised Code. 30867

(H)(1) A licensee who obtains approval for use of a storage 30868
location in accordance with division (G) of this section shall use 30869
the site exclusively for the following activities, in accordance 30870
with division (C)(1) of this section: 30871

(a) Packaging, assembling, or storing fireworks, which shall 30872
occur only in buildings approved for such hazardous uses by the 30873
building code official having jurisdiction for the storage 30874
location and shall be in accordance with the rules adopted by the 30875
fire marshal under division (B)(4) of section 3743.18 of the 30876
Revised Code for the packaging, assembling, and storage of 30877
fireworks. 30878

(b) Distributing fireworks to other parcels of real estate 30879
located on the wholesaler's licensed premises, to licensed 30880
manufacturers or other licensed wholesalers in this state or to 30881
similarly licensed persons located in another state or country; 30882

(c) Distributing fireworks to a licensed exhibitor of 30883
fireworks pursuant to a properly issued permit in accordance with 30884
section 3743.54 of the Revised Code. 30885

(2) A licensed wholesaler shall not engage in any sales 30886
activity, including the retail sale of fireworks otherwise 30887

permitted under division (C)(2) of this section or pursuant to 30888
section 3743.44 or 3743.45 of the Revised Code, at a storage 30889
location approved under this section. 30890

(I) A licensee shall prohibit public access to all storage 30891
locations it uses. The fire marshal shall adopt rules establishing 30892
acceptable measures a wholesaler shall use to prohibit access to 30893
storage sites. 30894

(J) The fire marshal shall not place the license of a 30895
wholesaler of fireworks in temporarily inactive status while the 30896
holder of the license is attempting to qualify to retain the 30897
license. 30898

(K) Each licensed wholesaler of fireworks or a designee of 30899
the wholesaler, whose identity is provided to the fire marshal by 30900
the wholesaler, annually shall attend a continuing education 30901
program consisting of not less than eight hours of instruction. 30902
The fire marshal shall develop the program and the fire marshal or 30903
a person or public agency approved by the fire marshal shall 30904
conduct it. A licensed wholesaler or the wholesaler's designee who 30905
attends a program as required under this division, within one year 30906
after attending the program, shall conduct in-service training for 30907
other employees of the licensed wholesaler regarding the 30908
information obtained in the program. A licensed wholesaler shall 30909
provide the fire marshal with notice of the date, time, and place 30910
of all in-service training not less than thirty days prior to an 30911
in-service training event. 30912

(L) A licensed wholesaler shall maintain comprehensive 30913
general liability insurance coverage in the amount and type 30914
specified under division (B)(2) of section 3743.15 of the Revised 30915
Code at all times. Each policy of insurance required under this 30916
division shall contain a provision requiring the insurer to give 30917
not less than fifteen days' prior written notice to the fire 30918
marshal before termination, lapse, or cancellation of the policy, 30919

or any change in the policy that reduces the coverage below the 30920
minimum required under this division. Prior to canceling or 30921
reducing the amount of coverage of any comprehensive general 30922
liability insurance coverage required under this division, a 30923
licensed wholesaler shall secure supplemental insurance in an 30924
amount and type that satisfies the requirements of this division 30925
so that no lapse in coverage occurs at any time. A licensed 30926
wholesaler who secures supplemental insurance shall file evidence 30927
of the supplemental insurance with the fire marshal prior to 30928
canceling or reducing the amount of coverage of any comprehensive 30929
general liability insurance coverage required under this division. 30930

Sec. 3743.19. In addition to conforming to the rules of the 30931
fire marshal adopted pursuant to section 3743.18 of the Revised 30932
Code, licensed wholesalers of fireworks shall conduct their 30933
business operations in accordance with the following: 30934

(A) A wholesaler shall conduct its business operations from 30935
the location described in its application for licensure or in a 30936
notification submitted under division (B) of section 3743.17 of 30937
the Revised Code. 30938

(B) Signs indicating that smoking is generally forbidden and 30939
trespassing is prohibited on the premises of a wholesaler shall be 30940
posted on the premises as determined by the fire marshal. 30941

(C) Reasonable precautions shall be taken to protect the 30942
premises of a wholesaler from trespass, loss, theft, or 30943
destruction. 30944

(D) Smoking or the carrying of pipes, cigarettes, or cigars, 30945
matches, lighters, other flame-producing items, or open flame on, 30946
or the carrying of a concealed source of ignition into, the 30947
premises of a wholesaler is prohibited, except that a wholesaler 30948
may permit smoking in specified lunchrooms or restrooms in 30949
buildings or other structures in which no sales, handling, or 30950

storage of fireworks takes place. "NO SMOKING" signs shall be 30951
posted on the premises as required by the fire marshal. 30952

(E) Fire and explosion prevention and other reasonable safety 30953
measures and precautions shall be implemented by a wholesaler. 30954

(F) Persons shall not be permitted to have in their 30955
possession or under their control, while they are on the premises 30956
of a wholesaler, any intoxicating liquor, beer, or controlled 30957
substance, and they shall not be permitted to enter or remain on 30958
the premises if they are found to be under the influence of any 30959
intoxicating liquor, beer, or controlled substance. 30960

(G) A wholesaler shall conform to all building, safety, and 30961
zoning statutes, ordinances, rules, or other enactments that apply 30962
to its premises. 30963

(H) Each building used in the sale of fireworks shall be kept 30964
open to the public for at least four hours each day between the 30965
hours of eight a.m. and five p.m., five days of each week, every 30966
week of the year. Upon application from a licensed wholesaler, the 30967
fire marshal may waive any of the requirements of this division. 30968

(I) Awnings, tents, or canopies shall not be used as 30969
facilities for the storage or sale of fireworks. This division 30970
does not prohibit the use of an awning or canopy attached to a 30971
public access showroom for storing nonflammable shopping 30972
convenience items such as shopping carts or baskets or providing a 30973
shaded area for patrons waiting to enter the public sales area. 30974

(J) Fireworks may be stored in trailers if the trailers are 30975
properly enclosed, secured, and grounded and are separated from 30976
any structure to which the public is admitted by a distance that 30977
will, in the fire marshal's judgment, allow fire-fighting 30978
equipment to have full access to the structures on the licensed 30979
premises. Such trailers may be moved into closer proximity to any 30980
structure only to accept or discharge cargo for a period not to 30981

exceed forty-eight hours. Only two such trailers may be placed in 30982
such closer proximity at any one time. At no time may trailers be 30983
used for conducting sales of any class of fireworks nor may 30984
members of the public have access to the trailers. 30985

Storage areas for fireworks that are in the same building 30986
where fireworks are displayed and sold to the public shall be 30987
separated from the areas to which the public has access by an 30988
appropriately rated fire barrier wall. 30989

(K) A fire suppression system as defined in section 3781.108 30990
of the Revised Code may be turned off only for repair, drainage of 30991
the system to prevent damage by freezing during the period of 30992
time, approved by the fire marshal under division (I) of this 30993
section, that the facility is closed to public access during 30994
winter months, or maintenance of the system. If any repair or 30995
maintenance is necessary during times when the facility is open 30996
for public access and business, the licensed wholesaler shall 30997
notify in advance the appropriate insurance company and fire chief 30998
or fire prevention officer regarding the nature of the maintenance 30999
or repair and the time when it will be performed. 31000

(L) If any fireworks item is removed from its original 31001
package or is manufactured with any fuse other than a fuse 31002
approved by the consumer product safety commission, then the item 31003
shall be covered completely by repackaging or bagging or it shall 31004
otherwise be covered so as to prevent ignition prior to sale. 31005

(M) A safety officer shall be present during regular business 31006
hours at a building open to the public during the period 31007
commencing fourteen days before, and ending two days after, each 31008
fourth day of July. The officer shall be highly visible, enforce 31009
this chapter and any applicable building codes to the extent the 31010
officer is authorized by law, and be one of the following: 31011

(1) A deputy sheriff; 31012

(2) A law enforcement officer of a municipal corporation, 31013
township, or township or joint township police district; 31014

(3) A private uniformed security guard registered under 31015
section 4749.06 of the Revised Code. 31016

(N) All doors of all buildings on the licensed premises shall 31017
swing outward. 31018

(O) All wholesale and commercial sales of fireworks shall be 31019
packaged, shipped, placarded, and transported in accordance with 31020
United States department of transportation regulations applicable 31021
to the transportation, and the offering for transportation, of 31022
hazardous materials. For purposes of this division, "wholesale and 31023
commercial sales" includes all sales for resale and any nonretail 31024
sale made in furtherance of a commercial enterprise. For purposes 31025
of enforcement of these regulations under section 4905.83 of the 31026
Revised Code, any sales transaction exceeding one thousand pounds 31027
shall be rebuttably presumed to be a wholesale or commercial sale. 31028

Sec. 3743.25. (A) A licensed manufacturer, wholesaler, or 31029
exhibitor shall bring fireworks showroom structures, to which the 31030
public may have any access and in which employees are required to 31031
work, on all licensed premises, into compliance with the following 31032
safety requirements: 31033

(1) A Except as otherwise provided in division (A)(1) of this 31034
section, a fireworks showroom that is constructed or upon which 31035
expansion is undertaken on and after the effective date of this 31036
section June 30, 1997, shall be equipped with interlinked fire 31037
detection, fire suppression, smoke exhaust, and smoke evacuation 31038
systems that are approved by the superintendent of the division of 31039
industrial compliance in the department of commerce. Division 31040
(A)(1) of this section does not apply if a licensee conducts sales 31041
only on the basis of defused representative samples in closed and 31042
covered displays within a fireworks showroom. 31043

(2) A fireworks showroom that first begins to operate on or 31044
after ~~the effective date of this section June 30, 1997,~~ and to 31045
which the public has access for retail purposes shall not exceed 31046
five thousand square feet in floor area. 31047

(3) A fireworks showroom structure that exists on ~~the~~ 31048
~~effective date of this section June 30, 1997,~~ but that, on or 31049
after ~~the effective date of this section June 30, 1997,~~ is altered 31050
or added to in a manner requiring the submission of plans, 31051
drawings, specifications, or data pursuant to section 3791.04 of 31052
the Revised Code, shall comply with a graphic floor plan layout 31053
that is approved by the fire marshal and superintendent of the 31054
division of industrial compliance showing width of aisles, 31055
parallel arrangement of aisles to exits, number of exits per wall, 31056
maximum occupancy load, evacuation plan for occupants, height of 31057
storage or display of merchandise, and other information as may be 31058
required by the fire marshal and superintendent. 31059

(4)(a) Except as provided in division (A)(4)(b) of this 31060
section, a fireworks showroom structure that exists on ~~the~~ 31061
~~effective date of this section June 30, 1997,~~ shall be retrofitted 31062
on or before June 1, 1998, with interlinked fire detection, smoke 31063
exhaust, and smoke evacuation systems that are approved by the 31064
superintendent of the division of industrial compliance. 31065

(b) If meeting the retrofitting requirements set forth in 31066
division (A)(4)(a) of this section would constitute an extreme 31067
financial hardship that would force a licensee to terminate 31068
business operations or if a licensee voluntarily so elects, the 31069
licensee shall conduct sales only on the basis of ~~de-fused~~ defused 31070
representative samples in closed and covered displays within the 31071
fireworks showroom, in which case division (A)(1) of this section 31072
does not apply. 31073

(5) A fireworks showroom structure that exists on ~~the~~ 31074
~~effective date of this section June 30, 1997,~~ shall be in 31075

compliance on or before June 1, 1998, with floor plans showing 31076
occupancy load limits and internal circulation and egress patterns 31077
that are approved by the fire marshal and superintendent of 31078
industrial compliance, and that are submitted under seal as 31079
required by section 3791.04 of the Revised Code. 31080

(B) The safety requirements established in division (A) of 31081
this section are not subject to any variance, waiver, or exclusion 31082
pursuant to this chapter or any applicable building code. 31083

Sec. 3743.75. (A) During the period beginning on June 29, 31084
2001, and ending on December 15, ~~2008~~ 2011, the state fire marshal 31085
shall not do any of the following: 31086

(1) Issue a license as a manufacturer of fireworks under 31087
sections 3743.02 and 3743.03 of the Revised Code to a person for a 31088
particular fireworks plant unless that person possessed such a 31089
license for that fireworks plant immediately prior to June 29, 31090
2001; 31091

(2) Issue a license as a wholesaler of fireworks under 31092
sections 3743.15 and 3743.16 of the Revised Code to a person for a 31093
particular location unless that person possessed such a license 31094
for that location immediately prior to June 29, 2001; 31095

(3) Except as provided in division (B) of this section, 31096
approve the geographic transfer of a license as a manufacturer or 31097
wholesaler of fireworks issued under this chapter to any location 31098
other than a location for which a license was issued under this 31099
chapter immediately prior to June 29, 2001. 31100

(B) Division (A)(3) of this section does not apply to a 31101
transfer that the state fire marshal approves under division (F) 31102
of section 3743.17 of the Revised Code. 31103

(C) Notwithstanding section 3743.59 of the Revised Code, the 31104
prohibited activities established in divisions (A)(1) and (2) of 31105

this section, geographic transfers approved pursuant to division 31106
(F) of section 3743.17 of the Revised Code, and storage locations 31107
allowed pursuant to division (I) of section 3743.04 of the Revised 31108
Code or division (G) of section 3743.17 of the Revised Code are 31109
not subject to any variance, waiver, or exclusion. 31110

(D) As used in division (A) of this section: 31111

(1) "Person" includes any person or entity, in whatever form 31112
or name, that acquires possession of a manufacturer or wholesaler 31113
of fireworks license issued pursuant to this chapter by transfer 31114
of possession of a license, whether that transfer occurs by 31115
purchase, assignment, inheritance, bequest, stock transfer, or any 31116
other type of transfer, on the condition that the transfer is in 31117
accordance with division (D) of section 3743.04 of the Revised 31118
Code or division (D) of section 3743.17 of the Revised Code and is 31119
approved by the fire marshal. 31120

(2) "Particular location" includes a licensed premises and, 31121
regardless of when approved, any storage location approved in 31122
accordance with section 3743.04 or 3743.17 of the Revised Code. 31123

(3) "Such a license" includes a wholesaler of fireworks 31124
license that was issued in place of a manufacturer of fireworks 31125
license that existed prior to June 29, 2001, and was requested to 31126
be canceled by the license holder pursuant to division (D) of 31127
section 3743.03 of the Revised Code. 31128

Sec. 3745.11. (A) Applicants for and holders of permits, 31129
licenses, variances, plan approvals, and certifications issued by 31130
the director of environmental protection pursuant to Chapters 31131
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 31132
to the environmental protection agency for each such issuance and 31133
each application for an issuance as provided by this section. No 31134
fee shall be charged for any issuance for which no application has 31135
been submitted to the director. 31136

(B) Each person who is issued a permit to install prior to 31137
July 1, 2003, pursuant to rules adopted under division (F) of 31138
section 3704.03 of the Revised Code shall pay the fees specified 31139
in the following schedules: 31140

(1) Fuel-burning equipment (boilers) 31141
Input capacity (maximum) 31142
(million British thermal units per hour) Permit to install 31143
Greater than 0, but less than 10 \$ 200 31144
10 or more, but less than 100 400 31145
100 or more, but less than 300 800 31146
300 or more, but less than 500 1500 31147
500 or more, but less than 1000 2500 31148
1000 or more, but less than 5000 4000 31149
5000 or more 6000 31150

Units burning exclusively natural gas, number two fuel oil, 31151
or both shall be assessed a fee that is one-half of the applicable 31152
amount established in division (F)(1) of this section. 31153

(2) Incinerators 31154
Input capacity (pounds per hour) Permit to install 31155
0 to 100 \$ 100 31156
101 to 500 400 31157
501 to 2000 750 31158
2001 to 20,000 1000 31159
more than 20,000 2500 31160

(3)(a) Process 31161
Process weight rate (pounds per hour) Permit to install 31162
0 to 1000 \$ 200 31163
1001 to 5000 400 31164
5001 to 10,000 600 31165
10,001 to 50,000 800 31166
more than 50,000 1000 31167

In any process where process weight rate cannot be 31168
ascertained, the minimum fee shall be assessed. 31169

(b) Notwithstanding division (B)(3)(a) of this section, any 31170
person issued a permit to install pursuant to rules adopted under 31171
division (F) of section 3704.03 of the Revised Code shall pay the 31172
fees established in division (B)(3)(c) of this section for a 31173
process used in any of the following industries, as identified by 31174
the applicable four-digit standard industrial classification code 31175
according to the Standard Industrial Classification Manual 31176
published by the United States office of management and budget in 31177
the executive office of the president, 1972, as revised: 31178

1211 Bituminous coal and lignite mining; 31179

1213 Bituminous coal and lignite mining services; 31180

1411 Dimension stone; 31181

1422 Crushed and broken limestone; 31182

1427 Crushed and broken stone, not elsewhere classified; 31183

1442 Construction sand and gravel; 31184

1446 Industrial sand; 31185

3281 Cut stone and stone products; 31186

3295 Minerals and earth, ground or otherwise treated. 31187

(c) The fees established in the following schedule apply to 31188
the issuance of a permit to install pursuant to rules adopted 31189
under division (F) of section 3704.03 of the Revised Code for a 31190
process listed in division (B)(3)(b) of this section: 31191

Process weight rate (pounds per hour)	Permit to install	
0 to 1000	\$ 200	31193
10,001 to 50,000	300	31194
50,001 to 100,000	400	31195
100,001 to 200,000	500	31196

200,001 to 400,000	600	31197
400,001 or more	700	31198
(4) Storage tanks		31199
Gallons (maximum useful capacity)	Permit to install	31200
0 to 20,000	\$ 100	31201
20,001 to 40,000	150	31202
40,001 to 100,000	200	31203
100,001 to 250,000	250	31204
250,001 to 500,000	350	31205
500,001 to 1,000,000	500	31206
1,000,001 or greater	750	31207
(5) Gasoline/fuel dispensing facilities		31208
For each gasoline/fuel dispensing	Permit to install	31209
facility	\$ 100	31210
(6) Dry cleaning facilities		31211
For each dry cleaning facility	Permit to install	31212
(includes all units at the facility)	\$ 100	31213
(7) Registration status		31214
For each source covered	Permit to install	31215
by registration status	\$ 75	31216
(C)(1) Except as otherwise provided in division (C)(2) of		31217
this section, beginning July 1, 1994, each person who owns or		31218
operates an air contaminant source and who is required to apply		31219
for and obtain a Title V permit under section 3704.036 of the		31220
Revised Code shall pay the fees set forth in division (C)(1) of		31221
this section. For the purposes of that division, total emissions		31222
of air contaminants may be calculated using engineering		31223
calculations, emissions factors, material balance calculations, or		31224
performance testing procedures, as authorized by the director.		31225
The following fees shall be assessed on the total actual		31226
emissions from a source in tons per year of the regulated		31227

pollutants particulate matter, sulfur dioxide, nitrogen oxides, 31228
organic compounds, and lead: 31229

(a) Fifteen dollars per ton on the total actual emissions of 31230
each such regulated pollutant during the period July through 31231
December 1993, to be collected no sooner than July 1, 1994; 31232

(b) Twenty dollars per ton on the total actual emissions of 31233
each such regulated pollutant during calendar year 1994, to be 31234
collected no sooner than April 15, 1995; 31235

(c) Twenty-five dollars per ton on the total actual emissions 31236
of each such regulated pollutant in calendar year 1995, and each 31237
subsequent calendar year, to be collected no sooner than the 31238
fifteenth day of April of the year next succeeding the calendar 31239
year in which the emissions occurred. 31240

The fees levied under division (C)(1) of this section do not 31241
apply to that portion of the emissions of a regulated pollutant at 31242
a facility that exceed four thousand tons during a calendar year. 31243

(2) The fees assessed under division (C)(1) of this section 31244
are for the purpose of providing funding for the Title V permit 31245
program. 31246

(3) The fees assessed under division (C)(1) of this section 31247
do not apply to emissions from any electric generating unit 31248
designated as a Phase I unit under Title IV of the federal Clean 31249
Air Act prior to calendar year 2000. Those fees shall be assessed 31250
on the emissions from such a generating unit commencing in 31251
calendar year 2001 based upon the total actual emissions from the 31252
generating unit during calendar year 2000 and shall continue to be 31253
assessed each subsequent calendar year based on the total actual 31254
emissions from the generating unit during the preceding calendar 31255
year. 31256

(4) The director shall issue invoices to owners or operators 31257
of air contaminant sources who are required to pay a fee assessed 31258

under division (C) or (D) of this section. Any such invoice shall 31259
be issued no sooner than the applicable date when the fee first 31260
may be collected in a year under the applicable division, shall 31261
identify the nature and amount of the fee assessed, and shall 31262
indicate that the fee is required to be paid within thirty days 31263
after the issuance of the invoice. 31264

(D)(1) Except as provided in division (D)(3) of this section, 31265
from January 1, 1994, through December 31, 2003, each person who 31266
owns or operates an air contaminant source; who is required to 31267
apply for a permit to operate pursuant to rules adopted under 31268
division (G), or a variance pursuant to division (H), of section 31269
3704.03 of the Revised Code; and who is not required to apply for 31270
and obtain a Title V permit under section 3704.036 of the Revised 31271
Code shall pay a single fee based upon the sum of the actual 31272
annual emissions from the facility of the regulated pollutants 31273
particulate matter, sulfur dioxide, nitrogen oxides, organic 31274
compounds, and lead in accordance with the following schedule: 31275

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 50	\$ 75	31279
50 or more, but less than 100	300	31280
100 or more	700	31281

(2) Except as provided in division (D)(3) of this section, 31282
beginning January 1, 2004, each person who owns or operates an air 31283
contaminant source; who is required to apply for a permit to 31284
operate pursuant to rules adopted under division (G), or a 31285
variance pursuant to division (H), of section 3704.03 of the 31286
Revised Code; and who is not required to apply for and obtain a 31287
Title V permit under section 3704.03 of the Revised Code shall pay 31288
a single fee based upon the sum of the actual annual emissions 31289
from the facility of the regulated pollutants particulate matter, 31290

sulfur dioxide, nitrogen oxides, organic compounds, and lead in 31291
accordance with the following schedule: 31292

Total tons per year		31293
of regulated pollutants	Annual fee	31294
emitted	per facility	31295
More than 0, but less than 10	\$ 100	31296
10 or more, but less than 50	200	31297
50 or more, but less than 100	300	31298
100 or more	700	31299

(3)(a) As used in division (D) of this section, "synthetic 31300
minor facility" means a facility for which one or more permits to 31301
install or permits to operate have been issued for the air 31302
contaminant sources at the facility that include terms and 31303
conditions that lower the facility's potential to emit air 31304
contaminants below the major source thresholds established in 31305
rules adopted under section 3704.036 of the Revised Code. 31306

(b) Beginning January 1, 2000, through June 30, ~~2008~~ 2010, 31307
each person who owns or operates a synthetic minor facility shall 31308
pay an annual fee based on the sum of the actual annual emissions 31309
from the facility of particulate matter, sulfur dioxide, nitrogen 31310
dioxide, organic compounds, and lead in accordance with the 31311
following schedule: 31312

Combined total tons		31313
per year of all regulated	Annual fee	31314
pollutants emitted	per facility	31315
Less than 10	\$ 170	31316
10 or more, but less than 20	340	31317
20 or more, but less than 30	670	31318
30 or more, but less than 40	1,010	31319
40 or more, but less than 50	1,340	31320
50 or more, but less than 60	1,680	31321
60 or more, but less than 70	2,010	31322

70 or more, but less than 80	2,350	31323
80 or more, but less than 90	2,680	31324
90 or more, but less than 100	3,020	31325
100 or more	3,350	31326

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (C)(1) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (C)(1) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section: 31355

(a) The consumer price index for any year is the average of 31356
the consumer price index for all urban consumers published by the 31357
United States department of labor as of the close of the 31358
twelve-month period ending on the thirty-first day of August of 31359
that year. 31360

(b) If the 1989 consumer price index is revised, the director 31361
shall use the revision of the consumer price index that is most 31362
consistent with that for calendar year 1989. 31363

(F) Each person who is issued a permit to install pursuant to 31364
rules adopted under division (F) of section 3704.03 of the Revised 31365
Code on or after July 1, 2003, shall pay the fees specified in the 31366
following schedules: 31367

(1) Fuel-burning equipment (boilers, furnaces, or process 31368
heaters used in the process of burning fuel for the primary 31369
purpose of producing heat or power by indirect heat transfer) 31370
Input capacity (maximum) 31371
(million British thermal units per hour) Permit to install 31372

Greater than 0, but less than 10	\$ 200	31373
10 or more, but less than 100	400	31374
100 or more, but less than 300	1000	31375
300 or more, but less than 500	2250	31376
500 or more, but less than 1000	3750	31377
1000 or more, but less than 5000	6000	31378
5000 or more	9000	31379

Units burning exclusively natural gas, number two fuel oil, 31380
or both shall be assessed a fee that is one-half the applicable 31381
amount shown in division (F)(1) of this section. 31382

(2) Combustion turbines and stationary internal combustion 31383
engines designed to generate electricity 31384
Generating capacity (mega watts) Permit to install 31385

0 or more, but less than 10	\$ 25	31386
10 or more, but less than 25	150	31387
25 or more, but less than 50	300	31388
50 or more, but less than 100	500	31389
100 or more, but less than 250	1000	31390
250 or more	2000	31391

(3) Incinerators 31392

Input capacity (pounds per hour)	Permit to install	31393
0 to 100	\$ 100	31394
101 to 500	500	31395
501 to 2000	1000	31396
2001 to 20,000	1500	31397
more than 20,000	3750	31398

(4)(a) Process 31399

Process weight rate (pounds per hour)	Permit to install	31400
0 to 1000	\$ 200	31401
1001 to 5000	500	31402
5001 to 10,000	750	31403
10,001 to 50,000	1000	31404
more than 50,000	1250	31405

In any process where process weight rate cannot be 31406
ascertained, the minimum fee shall be assessed. A boiler, furnace, 31407
combustion turbine, stationary internal combustion engine, or 31408
process heater designed to provide direct heat or power to a 31409
process not designed to generate electricity shall be assessed a 31410
fee established in division (F)(4)(a) of this section. A 31411
combustion turbine or stationary internal combustion engine 31412
designed to generate electricity shall be assessed a fee 31413
established in division (F)(2) of this section. 31414

(b) Notwithstanding division (F)(4)(a) of this section, any 31415
person issued a permit to install pursuant to rules adopted under 31416
division (F) of section 3704.03 of the Revised Code shall pay the 31417

fees set forth in division (F)(4)(c) of this section for a process	31418	
used in any of the following industries, as identified by the	31419	
applicable two-digit, three-digit, or four-digit standard	31420	
industrial classification code according to the Standard	31421	
Industrial Classification Manual published by the United States	31422	
office of management and budget in the executive office of the	31423	
president, 1987, as revised:	31424	
Major group 10, metal mining;	31425	
Major group 12, coal mining;	31426	
Major group 14, mining and quarrying of nonmetallic minerals;	31427	
Industry group 204, grain mill products;	31428	
2873 Nitrogen fertilizers;	31429	
2874 Phosphatic fertilizers;	31430	
3281 Cut stone and stone products;	31431	
3295 Minerals and earth, ground or otherwise treated;	31432	
4221 Grain elevators (storage only);	31433	
5159 Farm related raw materials;	31434	
5261 Retail nurseries and lawn and garden supply stores.	31435	
(c) The fees set forth in the following schedule apply to the	31436	
issuance of a permit to install pursuant to rules adopted under	31437	
division (F) of section 3704.03 of the Revised Code for a process	31438	
identified in division (F)(4)(b) of this section:	31439	
Process weight rate (pounds per	Permit to install	31440
hour)		
0 to 10,000	\$ 200	31441
10,001 to 50,000	400	31442
50,001 to 100,000	500	31443
100,001 to 200,000	600	31444
200,001 to 400,000	750	31445

400,001 or more	900	31446
(5) Storage tanks		31447
Gallons (maximum useful capacity)	Permit to install	31448
0 to 20,000	\$ 100	31449
20,001 to 40,000	150	31450
40,001 to 100,000	250	31451
100,001 to 500,000	400	31452
500,001 or greater	750	31453
(6) Gasoline/fuel dispensing facilities		31454
For each gasoline/fuel		31455
dispensing facility (includes all	Permit to install	31456
units at the facility)	\$ 100	31457
(7) Dry cleaning facilities		31458
For each dry cleaning		31459
facility (includes all units	Permit to install	31460
at the facility)	\$ 100	31461
(8) Registration status		31462
For each source covered	Permit to install	31463
by registration status	\$ 75	31464
(G) An owner or operator who is responsible for an asbestos		31465
demolition or renovation project pursuant to rules adopted under		31466
section 3704.03 of the Revised Code shall pay the fees set forth		31467
in the following schedule:		31468
Action	Fee	31469
Each notification	\$75	31470
Asbestos removal	\$3/unit	31471
Asbestos cleanup	\$4/cubic yard	31472
For purposes of this division, "unit" means any combination of		31473
linear feet or square feet equal to fifty.		31474
(H) A person who is issued an extension of time for a permit		31475
to install an air contaminant source pursuant to rules adopted		31476

under division (F) of section 3704.03 of the Revised Code shall 31477
pay a fee equal to one-half the fee originally assessed for the 31478
permit to install under this section, except that the fee for such 31479
an extension shall not exceed two hundred dollars. 31480

(I) A person who is issued a modification to a permit to 31481
install an air contaminant source pursuant to rules adopted under 31482
section 3704.03 of the Revised Code shall pay a fee equal to 31483
one-half of the fee that would be assessed under this section to 31484
obtain a permit to install the source. The fee assessed by this 31485
division only applies to modifications that are initiated by the 31486
owner or operator of the source and shall not exceed two thousand 31487
dollars. 31488

(J) Notwithstanding division (B) or (F) of this section, a 31489
person who applies for or obtains a permit to install pursuant to 31490
rules adopted under division (F) of section 3704.03 of the Revised 31491
Code after the date actual construction of the source began shall 31492
pay a fee for the permit to install that is equal to twice the fee 31493
that otherwise would be assessed under the applicable division 31494
unless the applicant received authorization to begin construction 31495
under division (W) of section 3704.03 of the Revised Code. This 31496
division only applies to sources for which actual construction of 31497
the source begins on or after July 1, 1993. The imposition or 31498
payment of the fee established in this division does not preclude 31499
the director from taking any administrative or judicial 31500
enforcement action under this chapter, Chapter 3704., 3714., 31501
3734., or 6111. of the Revised Code, or a rule adopted under any 31502
of them, in connection with a violation of rules adopted under 31503
division (F) of section 3704.03 of the Revised Code. 31504

As used in this division, "actual construction of the source" 31505
means the initiation of physical on-site construction activities 31506
in connection with improvements to the source that are permanent 31507
in nature, including, without limitation, the installation of 31508

building supports and foundations and the laying of underground 31509
pipework. 31510

(K) Fifty cents per ton of each fee assessed under division 31511
(C) of this section on actual emissions from a source and received 31512
by the environmental protection agency pursuant to that division 31513
shall be deposited into the state treasury to the credit of the 31514
small business assistance fund created in section 3706.19 of the 31515
Revised Code. The remainder of the moneys received by the division 31516
pursuant to that division and moneys received by the agency 31517
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 31518
section shall be deposited in the state treasury to the credit of 31519
the clean air fund created in section 3704.035 of the Revised 31520
Code. 31521

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 31522
or (c) of this section, a person issued a water discharge permit 31523
or renewal of a water discharge permit pursuant to Chapter 6111. 31524
of the Revised Code shall pay a fee based on each point source to 31525
which the issuance is applicable in accordance with the following 31526
schedule: 31527

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	31529
1,001 to 5000	100	31530
5,001 to 50,000	200	31531
50,001 to 100,000	300	31532
100,001 to 300,000	525	31533
over 300,000	750	31534

(b) Notwithstanding the fee schedule specified in division 31535
(L)(1)(a) of this section, the fee for a water discharge permit 31536
that is applicable to coal mining operations regulated under 31537
Chapter 1513. of the Revised Code shall be two hundred fifty 31538
dollars per mine. 31539

(c) Notwithstanding the fee schedule specified in division 31540

(L)(1)(a) of this section, the fee for a water discharge permit 31541
for a public discharger identified by I in the third character of 31542
the permittee's NPDES permit number shall not exceed seven hundred 31543
fifty dollars. 31544

(2) A person applying for a plan approval for a wastewater 31545
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 31546
of the Revised Code shall pay a fee of one hundred dollars plus 31547
sixty-five one-hundredths of one per cent of the estimated project 31548
cost through June 30, ~~2008~~ 2010, and one hundred dollars plus 31549
two-tenths of one per cent of the estimated project cost on and 31550
after July 1, ~~2008~~ 2010, except that the total fee shall not 31551
exceed fifteen thousand dollars through June 30, ~~2008~~ 2010, and 31552
five thousand dollars on and after July 1, ~~2008~~ 2010. The fee 31553
shall be paid at the time the application is submitted. 31554

(3) A person issued a modification of a water discharge 31555
permit shall pay a fee equal to one-half the fee that otherwise 31556
would be charged for a water discharge permit, except that the fee 31557
for the modification shall not exceed four hundred dollars. 31558

(4) A person who has entered into an agreement with the 31559
director under section 6111.14 of the Revised Code shall pay an 31560
administrative service fee for each plan submitted under that 31561
section for approval that shall not exceed the minimum amount 31562
necessary to pay administrative costs directly attributable to 31563
processing plan approvals. The director annually shall calculate 31564
the fee and shall notify all persons who have entered into 31565
agreements under that section, or who have applied for agreements, 31566
of the amount of the fee. 31567

(5)(a)(i) Not later than January 30, ~~2006~~ 2008, and January 31568
30, ~~2007~~ 2009, a person holding an NPDES discharge permit issued 31569
pursuant to Chapter 6111. of the Revised Code with an average 31570
daily discharge flow of five thousand gallons or more shall pay a 31571
nonrefundable annual discharge fee. Any person who fails to pay 31572

the fee at that time shall pay an additional amount that equals 31573
ten per cent of the required annual discharge fee. 31574

(ii) The billing year for the annual discharge fee 31575
established in division (L)(5)(a)(i) of this section shall consist 31576
of a twelve-month period beginning on the first day of January of 31577
the year preceding the date when the annual discharge fee is due. 31578
In the case of an existing source that permanently ceases to 31579
discharge during a billing year, the director shall reduce the 31580
annual discharge fee, including the surcharge applicable to 31581
certain industrial facilities pursuant to division (L)(5)(c) of 31582
this section, by one-twelfth for each full month during the 31583
billing year that the source was not discharging, but only if the 31584
person holding the NPDES discharge permit for the source notifies 31585
the director in writing, not later than the first day of October 31586
of the billing year, of the circumstances causing the cessation of 31587
discharge. 31588

(iii) The annual discharge fee established in division 31589
(L)(5)(a)(i) of this section, except for the surcharge applicable 31590
to certain industrial facilities pursuant to division (L)(5)(c) of 31591
this section, shall be based upon the average daily discharge flow 31592
in gallons per day calculated using first day of May through 31593
thirty-first day of October flow data for the period two years 31594
prior to the date on which the fee is due. In the case of NPDES 31595
discharge permits for new sources, the fee shall be calculated 31596
using the average daily design flow of the facility until actual 31597
average daily discharge flow values are available for the time 31598
period specified in division (L)(5)(a)(iii) of this section. The 31599
annual discharge fee may be prorated for a new source as described 31600
in division (L)(5)(a)(ii) of this section. 31601

(b) An NPDES permit holder that is a public discharger shall 31602
pay the fee specified in the following schedule: 31603

Average daily	Fee due by	31604
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discharge flow	January 30,	31605
	2006 <u>2008</u> , and	31606
	January 30, 2007	31607
	<u>2009</u>	
5,000 to 49,999	\$ 200	31608
50,000 to 100,000	500	31609
100,001 to 250,000	1,050	31610
250,001 to 1,000,000	2,600	31611
1,000,001 to 5,000,000	5,200	31612
5,000,001 to 10,000,000	10,350	31613
10,000,001 to 20,000,000	15,550	31614
20,000,001 to 50,000,000	25,900	31615
50,000,001 to 100,000,000	41,400	31616
100,000,001 or more	62,100	31617

Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily	Fee due by	31630
discharge flow	January 30,	31631
	2006 <u>2008</u> , and	31632
	January 30, 2007	31633
	<u>2009</u>	
5,000 to 49,999	\$ 250	31634

50,000 to 250,000	1,200	31635
250,001 to 1,000,000	2,950	31636
1,000,001 to 5,000,000	5,850	31637
5,000,001 to 10,000,000	8,800	31638
10,000,001 to 20,000,000	11,700	31639
20,000,001 to 100,000,000	14,050	31640
100,000,001 to 250,000,000	16,400	31641
250,000,001 or more	18,700	31642

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2006~~ 2008, and not later than January 30, ~~2007~~ 2009. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2006~~ 2008, and not later than January 30, ~~2007~~ 2009. 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.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area permitted. The fee shall not exceed ten thousand dollars and shall

be payable on or before January 30, 2004, and the thirtieth day of 31667
January of each year thereafter. Any person who fails to pay the 31668
fee on the date specified in division (L)(6) of this section shall 31669
pay an additional amount per year equal to ten per cent of the 31670
annual fee that is unpaid. 31671

(7) The director shall transmit all moneys collected under 31672
division (L) of this section to the treasurer of state for deposit 31673
into the state treasury to the credit of the surface water 31674
protection fund created in section 6111.038 of the Revised Code. 31675

(8) As used in division (L) of this section: 31676

(a) "NPDES" means the federally approved national pollutant 31677
discharge elimination system program for issuing, modifying, 31678
revoking, reissuing, terminating, monitoring, and enforcing 31679
permits and imposing and enforcing pretreatment requirements under 31680
Chapter 6111. of the Revised Code and rules adopted under it. 31681

(b) "Public discharger" means any holder of an NPDES permit 31682
identified by P in the second character of the NPDES permit number 31683
assigned by the director. 31684

(c) "Industrial discharger" means any holder of an NPDES 31685
permit identified by I in the second character of the NPDES permit 31686
number assigned by the director. 31687

(d) "Major discharger" means any holder of an NPDES permit 31688
classified as major by the regional administrator of the United 31689
States environmental protection agency in conjunction with the 31690
director. 31691

(M) Through June 30, ~~2008~~ 2010, a person applying for a 31692
license or license renewal to operate a public water system under 31693
section 6109.21 of the Revised Code shall pay the appropriate fee 31694
established under this division at the time of application to the 31695
director. Any person who fails to pay the fee at that time shall 31696
pay an additional amount that equals ten per cent of the required 31697

fee. The director shall transmit all moneys collected under this 31698
division to the treasurer of state for deposit into the drinking 31699
water protection fund created in section 6109.30 of the Revised 31700
Code. 31701

Except as provided in division (M)(4) of this section, fees 31702
required under this division shall be calculated and paid in 31703
accordance with the following schedule: 31704

(1) For the initial license required under division (A)(1) of 31705
section 6109.21 of the Revised Code for any public water system 31706
that is a community water system as defined in section 6109.01 of 31707
the Revised Code, and for each license renewal required for such a 31708
system prior to January 31, ~~2008~~ 2010, the fee is: 31709

Number of service connections	Fee amount	
Not more than 49	\$ 112	31711
50 to 99	176	31712
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	31714
2,500 to 4,999	1.48	31715
5,000 to 7,499	1.42	31716
7,500 to 9,999	1.34	31717
10,000 to 14,999	1.16	31718
15,000 to 24,999	1.10	31719
25,000 to 49,999	1.04	31720
50,000 to 99,999	.92	31721
100,000 to 149,999	.86	31722
150,000 to 199,999	.80	31723
200,000 or more	.76	31724

A public water system may determine how it will pay the total 31725
amount of the fee calculated under division (M)(1) of this 31726
section, including the assessment of additional user fees that may 31727
be assessed on a volumetric basis. 31728

As used in division (M)(1) of this section, "service 31729

connection" means the number of active or inactive pipes, 31730
goosenecks, pigtails, and any other fittings connecting a water 31731
main to any building outlet. 31732

(2) For the initial license required under division (A)(2) of 31733
section 6109.21 of the Revised Code for any public water system 31734
that is not a community water system and serves a nontransient 31735
population, and for each license renewal required for such a 31736
system prior to January 31, ~~2008~~ 2010, the fee is: 31737

Population served	Fee amount	
Fewer than 150	\$ 112	31738
150 to 299	176	31739
300 to 749	384	31740
750 to 1,499	628	31741
1,500 to 2,999	1,268	31742
3,000 to 7,499	2,816	31743
7,500 to 14,999	5,510	31744
15,000 to 22,499	9,048	31745
22,500 to 29,999	12,430	31746
30,000 or more	16,820	31747

As used in division (M)(2) of this section, "population 31748
served" means the total number of individuals receiving water from 31749
the water supply during a twenty-four-hour period for at least 31750
sixty days during any calendar year. In the absence of a specific 31751
population count, that number shall be calculated at the rate of 31752
three individuals per service connection. 31753
31754

(3) For the initial license required under division (A)(3) of 31755
section 6109.21 of the Revised Code for any public water system 31756
that is not a community water system and serves a transient 31757
population, and for each license renewal required for such a 31758
system prior to January 31, ~~2008~~ 2010, the fee is: 31759

Number of wells supplying system	Fee amount	
1	\$112	31760
		31761

2	112	31762
3	176	31763
4	278	31764
5	568	31765
System designated as using a		31766
surface water source	792	31767
As used in division (M)(3) of this section, "number of wells		31768
supplying system" means those wells that are physically connected		31769
to the plumbing system serving the public water system.		31770
(4) A public water system designated as using a surface water		31771
source shall pay a fee of seven hundred ninety-two dollars or the		31772
amount calculated under division (M)(1) or (2) of this section,		31773
whichever is greater.		31774
(N)(1) A person applying for a plan approval for a public		31775
water supply system under section 6109.07 of the Revised Code		31776
shall pay a fee of one hundred fifty dollars plus thirty-five		31777
hundredths of one per cent of the estimated project cost, except		31778
that the total fee shall not exceed twenty thousand dollars		31779
through June 30, 2008 <u>2010</u> , and fifteen thousand dollars on and		31780
after July 1, 2008 <u>2010</u> . The fee shall be paid at the time the		31781
application is submitted.		31782
(2) A person who has entered into an agreement with the		31783
director under division (A)(2) of section 6109.07 of the Revised		31784
Code shall pay an administrative service fee for each plan		31785
submitted under that section for approval that shall not exceed		31786
the minimum amount necessary to pay administrative costs directly		31787
attributable to processing plan approvals. The director annually		31788
shall calculate the fee and shall notify all persons that have		31789
entered into agreements under that division, or who have applied		31790
for agreements, of the amount of the fee.		31791
(3) Through June 30, 2008 <u>2010</u> , the following fee, on a per		31792
survey basis, shall be charged any person for services rendered by		31793

the state in the evaluation of laboratories and laboratory		31794
personnel for compliance with accepted analytical techniques and		31795
procedures established pursuant to Chapter 6109. of the Revised		31796
Code for determining the qualitative characteristics of water:		31797
microbiological		31798
MMO-MUG	\$2,000	31799
MF	2,100	31800
MMO-MUG and MF	2,550	31801
organic chemical	5,400	31802
trace metals	5,400	31803
standard chemistry	2,800	31804
limited chemistry	1,550	31805

On and after July 1, ~~2008~~ 2010, the following fee, on a per
survey basis, shall be charged any such person:

microbiological	\$ 1,650	31808
organic chemicals	3,500	31809
trace metals	3,500	31810
standard chemistry	1,800	31811
limited chemistry	1,000	31812

The fee for those services shall be paid at the time the request
for the survey is made. Through June 30, ~~2008~~ 2010, an individual
laboratory shall not be assessed a fee under this division more
than once in any three-year period unless the person requests the
addition of analytical methods or analysts, in which case the
person shall pay eighteen hundred dollars for each additional
survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration. 31821
- (b) "MMO" means minimal medium ONPG. 31822
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 31823
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 31824

The director shall transmit all moneys collected under this 31825
division to the treasurer of state for deposit into the drinking 31826
water protection fund created in section 6109.30 of the Revised 31827
Code. 31828

(O) Any person applying to the director for examination for 31829
certification as an operator of a water supply system or 31830
wastewater system under Chapter 6109. or 6111. of the Revised 31831
Code, at the time the application is submitted, shall pay an 31832
application fee of forty-five dollars through November 30, ~~2008~~ 31833
2010, and twenty-five dollars on and after December 1, ~~2008~~ 2010. 31834
Upon approval from the director that the applicant is eligible to 31835
take the examination therefor, the applicant shall pay a fee in 31836
accordance with the following schedule through November 30, ~~2008~~ 31837
2010: 31838

Class A operator	\$35	31839
Class I operator	60	31840
Class II operator	75	31841
Class III operator	85	31842
Class IV operator	100	31843

On and after December 1, ~~2008~~ 2010, the applicant shall pay a 31844
fee in accordance with the following schedule: 31845

Class A operator	\$25	31846
Class I operator	\$45	31847
Class II operator	55	31848
Class III operator	65	31849
Class IV operator	75	31850

A person shall pay a biennial certification renewal fee for 31851
each applicable class of certification in accordance with the 31852
following schedule: 31853

Class A operator	\$25	31854
Class I operator	35	31855
Class II operator	45	31856

Class III operator	55	31857
Class IV operator	65	31858

If a certification renewal fee is received by the director 31859
more than thirty days, but not more than one year after the 31860
expiration date of the certification, the person shall pay a 31861
certification renewal fee in accordance with the following 31862
schedule: 31863

Class A operator	\$45	31864
Class I operator	55	31865
Class II operator	65	31866
Class III operator	75	31867
Class IV operator	85	31868

A person who requests a replacement certificate shall pay a 31869
fee of twenty-five dollars at the time the request is made. 31870

The director shall transmit all moneys collected under this 31871
division to the treasurer of state for deposit into the drinking 31872
water protection fund created in section 6109.30 of the Revised 31873
Code. 31874

(P) Any person submitting an application for an industrial 31875
water pollution control certificate under section 6111.31 of the 31876
Revised Code, as that section existed before its repeal by H.B. 95 31877
of the 125th general assembly, shall pay a nonrefundable fee of 31878
five hundred dollars at the time the application is submitted. The 31879
director shall transmit all moneys collected under this division 31880
to the treasurer of state for deposit into the surface water 31881
protection fund created in section 6111.038 of the Revised Code. A 31882
person paying a certificate fee under this division shall not pay 31883
an application fee under division (S)(1) of this section. On and 31884
after June 26, 2003, persons shall file such applications and pay 31885
the fee as required under sections 5709.20 to 5709.27 of the 31886
Revised Code, and proceeds from the fee shall be credited as 31887
provided in section 5709.212 of the Revised Code. 31888

(Q) Except as otherwise provided in division (R) of this 31889
section, a person issued a permit by the director for a new solid 31890
waste disposal facility other than an incineration or composting 31891
facility, a new infectious waste treatment facility other than an 31892
incineration facility, or a modification of such an existing 31893
facility that includes an increase in the total disposal or 31894
treatment capacity of the facility pursuant to Chapter 3734. of 31895
the Revised Code shall pay a fee of ten dollars per thousand cubic 31896
yards of disposal or treatment capacity, or one thousand dollars, 31897
whichever is greater, except that the total fee for any such 31898
permit shall not exceed eighty thousand dollars. A person issued a 31899
modification of a permit for a solid waste disposal facility or an 31900
infectious waste treatment facility that does not involve an 31901
increase in the total disposal or treatment capacity of the 31902
facility shall pay a fee of one thousand dollars. A person issued 31903
a permit to install a new, or modify an existing, solid waste 31904
transfer facility under that chapter shall pay a fee of two 31905
thousand five hundred dollars. A person issued a permit to install 31906
a new or to modify an existing solid waste incineration or 31907
composting facility, or an existing infectious waste treatment 31908
facility using incineration as its principal method of treatment, 31909
under that chapter shall pay a fee of one thousand dollars. The 31910
increases in the permit fees under this division resulting from 31911
the amendments made by Amended Substitute House Bill 592 of the 31912
117th general assembly do not apply to any person who submitted an 31913
application for a permit to install a new, or modify an existing, 31914
solid waste disposal facility under that chapter prior to 31915
September 1, 1987; any such person shall pay the permit fee 31916
established in this division as it existed prior to June 24, 1988. 31917
In addition to the applicable permit fee under this division, a 31918
person issued a permit to install or modify a solid waste facility 31919
or an infectious waste treatment facility under that chapter who 31920
fails to pay the permit fee to the director in compliance with 31921

division (V) of this section shall pay an additional ten per cent 31922
of the amount of the fee for each week that the permit fee is 31923
late. 31924

Permit and late payment fees paid to the director under this 31925
division shall be credited to the general revenue fund. 31926

(R)(1) A person issued a registration certificate for a scrap 31927
tire collection facility under section 3734.75 of the Revised Code 31928
shall pay a fee of two hundred dollars, except that if the 31929
facility is owned or operated by a motor vehicle salvage dealer 31930
licensed under Chapter 4738. of the Revised Code, the person shall 31931
pay a fee of twenty-five dollars. 31932

(2) A person issued a registration certificate for a new 31933
scrap tire storage facility under section 3734.76 of the Revised 31934
Code shall pay a fee of three hundred dollars, except that if the 31935
facility is owned or operated by a motor vehicle salvage dealer 31936
licensed under Chapter 4738. of the Revised Code, the person shall 31937
pay a fee of twenty-five dollars. 31938

(3) A person issued a permit for a scrap tire storage 31939
facility under section 3734.76 of the Revised Code shall pay a fee 31940
of one thousand dollars, except that if the facility is owned or 31941
operated by a motor vehicle salvage dealer licensed under Chapter 31942
4738. of the Revised Code, the person shall pay a fee of fifty 31943
dollars. 31944

(4) A person issued a permit for a scrap tire monocell or 31945
monofill facility under section 3734.77 of the Revised Code shall 31946
pay a fee of ten dollars per thousand cubic yards of disposal 31947
capacity or one thousand dollars, whichever is greater, except 31948
that the total fee for any such permit shall not exceed eighty 31949
thousand dollars. 31950

(5) A person issued a registration certificate for a scrap 31951
tire recovery facility under section 3734.78 of the Revised Code 31952

shall pay a fee of one hundred dollars. 31953

(6) A person issued a permit for a scrap tire recovery 31954
facility under section 3734.78 of the Revised Code shall pay a fee 31955
of one thousand dollars. 31956

(7) In addition to the applicable registration certificate or 31957
permit fee under divisions (R)(1) to (6) of this section, a person 31958
issued a registration certificate or permit for any such scrap 31959
tire facility who fails to pay the registration certificate or 31960
permit fee to the director in compliance with division (V) of this 31961
section shall pay an additional ten per cent of the amount of the 31962
fee for each week that the fee is late. 31963

(8) The registration certificate, permit, and late payment 31964
fees paid to the director under divisions (R)(1) to (7) of this 31965
section shall be credited to the scrap tire management fund 31966
created in section 3734.82 of the Revised Code. 31967

(S)(1) Except as provided by divisions (L), (M), (N), (O), 31968
(P), and (S)(2) of this section, division (A)(2) of section 31969
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 31970
and rules adopted under division (T)(1) of this section, any 31971
person applying for a registration certificate under section 31972
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 31973
variance, or plan approval under Chapter 3734. of the Revised Code 31974
shall pay a nonrefundable fee of fifteen dollars at the time the 31975
application is submitted. 31976

Except as otherwise provided, any person applying for a 31977
permit, variance, or plan approval under Chapter 6109. or 6111. of 31978
the Revised Code shall pay a nonrefundable fee of one hundred 31979
dollars at the time the application is submitted through June 30, 31980
~~2008~~ 2010, and a nonrefundable fee of fifteen dollars at the time 31981
the application is submitted on and after July 1, ~~2008~~ 2010. 31982
Through June 30, ~~2008~~ 2010, any person applying for a national 31983

pollutant discharge elimination system permit under Chapter 6111. 31984
of the Revised Code shall pay a nonrefundable fee of two hundred 31985
dollars at the time of application for the permit. On and after 31986
July 1, ~~2008~~ 2010, such a person shall pay a nonrefundable fee of 31987
fifteen dollars at the time of application. 31988

In addition to the application fee established under division 31989
(S)(1) of this section, any person applying for a national 31990
pollutant discharge elimination system general storm water 31991
construction permit shall pay a nonrefundable fee of twenty 31992
dollars per acre for each acre that is permitted above five acres 31993
at the time the application is submitted. However, the per acreage 31994
fee shall not exceed three hundred dollars. In addition, any 31995
person applying for a national pollutant discharge elimination 31996
system general storm water industrial permit shall pay a 31997
nonrefundable fee of one hundred fifty dollars at the time the 31998
application is submitted. 31999

The director shall transmit all moneys collected under 32000
division (S)(1) of this section pursuant to Chapter 6109. of the 32001
Revised Code to the treasurer of state for deposit into the 32002
drinking water protection fund created in section 6109.30 of the 32003
Revised Code. 32004

The director shall transmit all moneys collected under 32005
division (S)(1) of this section pursuant to Chapter 6111. of the 32006
Revised Code to the treasurer of state for deposit into the 32007
surface water protection fund created in section 6111.038 of the 32008
Revised Code. 32009

If a registration certificate is issued under section 32010
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 32011
the application fee paid shall be deducted from the amount of the 32012
registration certificate fee due under division (R)(1), (2), or 32013
(5) of this section, as applicable. 32014

If a person submits an electronic application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section, the person shall pay the applicable application fee as expeditiously as possible after the submission of the electronic application. An application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section shall not be reviewed or processed until the applicable application fee, and any other fees established under this division, are paid.

(2) Division (S)(1) of this section does not apply to an application for a registration certificate for a scrap tire collection or storage facility submitted under section 3734.75 or 3734.76 of the Revised Code, as applicable, if the owner or operator of the facility or proposed facility is a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code.

(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. 32047

The director shall transmit all moneys collected under rules 32048
adopted under division (T)(1) of this section pursuant to Chapter 32049
6111. of the Revised Code to the treasurer of state for deposit 32050
into the surface water protection fund created in section 6111.038 32051
of the Revised Code. 32052

(2) Exempt the state and political subdivisions thereof, 32053
including education facilities or medical facilities owned by the 32054
state or a political subdivision, or any person exempted from 32055
taxation by section 5709.07 or 5709.12 of the Revised Code, from 32056
any fee required by this section; 32057

(3) Provide for the waiver of any fee, or any part thereof, 32058
otherwise required by this section whenever the director 32059
determines that the imposition of the fee would constitute an 32060
unreasonable cost of doing business for any applicant, class of 32061
applicants, or other person subject to the fee; 32062

(4) Prescribe measures that the director considers necessary 32063
to carry out this section. 32064

(U) When the director reasonably demonstrates that the direct 32065
cost to the state associated with the issuance of a permit to 32066
install, license, variance, plan approval, or certification 32067
exceeds the fee for the issuance or review specified by this 32068
section, the director may condition the issuance or review on the 32069
payment by the person receiving the issuance or review of, in 32070
addition to the fee specified by this section, the amount, or any 32071
portion thereof, in excess of the fee specified under this 32072
section. The director shall not so condition issuances for which 32073
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 32074
section. 32075

(V) Except as provided in divisions (L), (M), and (P) of this 32076
section or unless otherwise prescribed by a rule of the director 32077

adopted pursuant to Chapter 119. of the Revised Code, all fees 32078
required by this section are payable within thirty days after the 32079
issuance of an invoice for the fee by the director or the 32080
effective date of the issuance of the license, permit, variance, 32081
plan approval, or certification. If payment is late, the person 32082
responsible for payment of the fee shall pay an additional ten per 32083
cent of the amount due for each month that it is late. 32084

(W) As used in this section, "fuel-burning equipment," 32085
"fuel-burning equipment input capacity," "incinerator," 32086
"incinerator input capacity," "process," "process weight rate," 32087
"storage tank," "gasoline dispensing facility," "dry cleaning 32088
facility," "design flow discharge," and "new source treatment 32089
works" have the meanings ascribed to those terms by applicable 32090
rules or standards adopted by the director under Chapter 3704. or 32091
6111. of the Revised Code. 32092

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 32093
and (J) of this section, and in any other provision of this 32094
section pertaining to fees paid pursuant to Chapter 3704. of the 32095
Revised Code: 32096

(1) "Facility," "federal Clean Air Act," "person," and "Title 32097
V permit" have the same meanings as in section 3704.01 of the 32098
Revised Code. 32099

(2) "Title V permit program" means the following activities 32100
as necessary to meet the requirements of Title V of the federal 32101
Clean Air Act and 40 C.F.R. part 70, including at least: 32102

(a) Preparing and adopting, if applicable, generally 32103
applicable rules or guidance regarding the permit program or its 32104
implementation or enforcement; 32105

(b) Reviewing and acting on any application for a Title V 32106
permit, permit revision, or permit renewal, including the 32107
development of an applicable requirement as part of the processing 32108

of a permit, permit revision, or permit renewal;	32109
(c) Administering the permit program, including the	32110
supporting and tracking of permit applications, compliance	32111
certification, and related data entry;	32112
(d) Determining which sources are subject to the program and	32113
implementing and enforcing the terms of any Title V permit, not	32114
including any court actions or other formal enforcement actions;	32115
(e) Emission and ambient monitoring;	32116
(f) Modeling, analyses, or demonstrations;	32117
(g) Preparing inventories and tracking emissions;	32118
(h) Providing direct and indirect support to small business	32119
stationary sources to determine and meet their obligations under	32120
the federal Clean Air Act pursuant to the small business	32121
stationary source technical and environmental compliance	32122
assistance program required by section 507 of that act and	32123
established in sections 3704.18, 3704.19, and 3706.19 of the	32124
Revised Code.	32125
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	32126
of this section, each sewage sludge facility shall pay a	32127
nonrefundable annual sludge fee equal to three dollars and fifty	32128
cents per dry ton of sewage sludge, including the dry tons of	32129
sewage sludge in materials derived from sewage sludge, that the	32130
sewage sludge facility treats or disposes of in this state. The	32131
annual volume of sewage sludge treated or disposed of by a sewage	32132
sludge facility shall be calculated using the first day of January	32133
through the thirty-first day of December of the calendar year	32134
preceding the date on which payment of the fee is due.	32135
(2)(a) Except as provided in division (Y)(2)(d) of this	32136
section, each sewage sludge facility shall pay a minimum annual	32137
sewage sludge fee of one hundred dollars.	32138

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following exceptions:

(i) Except as provided in division (Y)(2)(d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division (Y)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state

shall be required to pay the annual sludge fee for the tons of 32170
sewage sludge that have been transferred. 32171

(d) A sewage sludge facility that generates sewage sludge 32172
resulting from an average daily discharge flow of less than five 32173
thousand gallons per day is not subject to the fees assessed under 32174
division (Y) of this section. 32175

(3) No sewage sludge facility required to pay the annual 32176
sludge fee shall be required to pay more than the maximum annual 32177
fee for each disposal method that the sewage sludge facility uses. 32178
The maximum annual fee does not include the additional amount that 32179
may be charged under division (Y)(5) of this section for late 32180
payment of the annual sludge fee. The maximum annual fee for the 32181
following methods of disposal of sewage sludge is as follows: 32182

(a) Incineration: five thousand dollars; 32183

(b) Preexisting land reclamation project or disposal in a 32184
landfill: five thousand dollars; 32185

(c) Land application, land reclamation, surface disposal, or 32186
any other disposal method not specified in division (Y)(3)(a) or 32187
(b) of this section: twenty thousand dollars. 32188

(4)(a) In the case of an entity that generates sewage sludge 32189
or a sewage sludge facility that treats sewage sludge and 32190
transfers the sewage sludge to an incineration facility for 32191
disposal, the incineration facility, and not the entity generating 32192
the sewage sludge or the sewage sludge facility treating the 32193
sewage sludge, shall pay the annual sludge fee for the tons of 32194
sewage sludge that are transferred. However, the entity or 32195
facility generating or treating the sewage sludge shall pay the 32196
one-hundred-dollar minimum fee required under division (Y)(2)(a) 32197
of this section. 32198

(b) In the case of an entity that generates sewage sludge and 32199
transfers the sewage sludge to a landfill for disposal or to a 32200

sewage sludge facility for land reclamation or surface disposal, 32201
the entity generating the sewage sludge, and not the landfill or 32202
sewage sludge facility, shall pay the annual sludge fee for the 32203
tons of sewage sludge that are transferred. 32204

(5) Not later than the first day of April of the calendar 32205
year following March 17, 2000, and each first day of April 32206
thereafter, the director shall issue invoices to persons who are 32207
required to pay the annual sludge fee. The invoice shall identify 32208
the nature and amount of the annual sludge fee assessed and state 32209
the first day of May as the deadline for receipt by the director 32210
of objections regarding the amount of the fee and the first day of 32211
July as the deadline for payment of the fee. 32212

Not later than the first day of May following receipt of an 32213
invoice, a person required to pay the annual sludge fee may submit 32214
objections to the director concerning the accuracy of information 32215
regarding the number of dry tons of sewage sludge used to 32216
calculate the amount of the annual sludge fee or regarding whether 32217
the sewage sludge qualifies for the exceptional quality sludge 32218
discount established in division (Y)(2)(b) of this section. The 32219
director may consider the objections and adjust the amount of the 32220
fee to ensure that it is accurate. 32221

If the director does not adjust the amount of the annual 32222
sludge fee in response to a person's objections, the person may 32223
appeal the director's determination in accordance with Chapter 32224
119. of the Revised Code. 32225

Not later than the first day of June, the director shall 32226
notify the objecting person regarding whether the director has 32227
found the objections to be valid and the reasons for the finding. 32228
If the director finds the objections to be valid and adjusts the 32229
amount of the annual sludge fee accordingly, the director shall 32230
issue with the notification a new invoice to the person 32231
identifying the amount of the annual sludge fee assessed and 32232

stating the first day of July as the deadline for payment. 32233

Not later than the first day of July, any person who is 32234
required to do so shall pay the annual sludge fee. Any person who 32235
is required to pay the fee, but who fails to do so on or before 32236
that date shall pay an additional amount that equals ten per cent 32237
of the required annual sludge fee. 32238

(6) The director shall transmit all moneys collected under 32239
division (Y) of this section to the treasurer of state for deposit 32240
into the surface water protection fund created in section 6111.038 32241
of the Revised Code. The moneys shall be used to defray the costs 32242
of administering and enforcing provisions in Chapter 6111. of the 32243
Revised Code and rules adopted under it that govern the use, 32244
storage, treatment, or disposal of sewage sludge. 32245

(7) Beginning in fiscal year 2001, and every two years 32246
thereafter, the director shall review the total amount of moneys 32247
generated by the annual sludge fees to determine if that amount 32248
exceeded six hundred thousand dollars in either of the two 32249
preceding fiscal years. If the total amount of moneys in the fund 32250
exceeded six hundred thousand dollars in either fiscal year, the 32251
director, after review of the fee structure and consultation with 32252
affected persons, shall issue an order reducing the amount of the 32253
fees levied under division (Y) of this section so that the 32254
estimated amount of moneys resulting from the fees will not exceed 32255
six hundred thousand dollars in any fiscal year. 32256

If, upon review of the fees under division (Y)(7) of this 32257
section and after the fees have been reduced, the director 32258
determines that the total amount of moneys collected and 32259
accumulated is less than six hundred thousand dollars, the 32260
director, after review of the fee structure and consultation with 32261
affected persons, may issue an order increasing the amount of the 32262
fees levied under division (Y) of this section so that the 32263
estimated amount of moneys resulting from the fees will be 32264

approximately six hundred thousand dollars. Fees shall never be 32265
increased to an amount exceeding the amount specified in division 32266
(Y)(7) of this section. 32267

Notwithstanding section 119.06 of the Revised Code, the 32268
director may issue an order under division (Y)(7) of this section 32269
without the necessity to hold an adjudicatory hearing in 32270
connection with the order. The issuance of an order under this 32271
division is not an act or action for purposes of section 3745.04 32272
of the Revised Code. 32273

(8) As used in division (Y) of this section: 32274

(a) "Sewage sludge facility" means an entity that performs 32275
treatment on or is responsible for the disposal of sewage sludge. 32276

(b) "Sewage sludge" means a solid, semi-solid, or liquid 32277
residue generated during the treatment of domestic sewage in a 32278
treatment works as defined in section 6111.01 of the Revised Code. 32279
"Sewage sludge" includes, but is not limited to, scum or solids 32280
removed in primary, secondary, or advanced wastewater treatment 32281
processes. "Sewage sludge" does not include ash generated during 32282
the firing of sewage sludge in a sewage sludge incinerator, grit 32283
and screenings generated during preliminary treatment of domestic 32284
sewage in a treatment works, animal manure, residue generated 32285
during treatment of animal manure, or domestic septage. 32286

(c) "Exceptional quality sludge" means sewage sludge that 32287
meets all of the following qualifications: 32288

(i) Satisfies the class A pathogen standards in 40 C.F.R. 32289
503.32(a); 32290

(ii) Satisfies one of the vector attraction reduction 32291
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 32292

(iii) Does not exceed the ceiling concentration limitations 32293
for metals listed in table one of 40 C.F.R. 503.13; 32294

(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	32295 32296
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	32297 32298 32299
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	32300 32301 32302
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	32303 32304 32305 32306 32307
(g) "Land reclamation" means the returning of disturbed land to productive use.	32308 32309
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	32310 32311 32312 32313
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	32314 32315 32316 32317
(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.	32318 32319 32320 32321
(k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section.	32322 32323
(l) "Landfill" means a sanitary landfill facility, as defined	32324

in rules adopted under section 3734.02 of the Revised Code, that 32325
is licensed under section 3734.05 of the Revised Code. 32326

(m) "Preexisting land reclamation project" means a 32327
property-specific land reclamation project that has been in 32328
continuous operation for not less than five years pursuant to 32329
approval of the activity by the director and includes the 32330
implementation of a community outreach program concerning the 32331
activity. 32332

Sec. 3767.41. (A) As used in this section: 32333

(1) "Building" means, except as otherwise provided in this 32334
division, any building or structure that is used or intended to be 32335
used for residential purposes. "Building" includes, but is not 32336
limited to, a building or structure in which any floor is used for 32337
retail stores, shops, salesrooms, markets, or similar commercial 32338
uses, or for offices, banks, civic administration activities, 32339
professional services, or similar business or civic uses, and in 32340
which the other floors are used, or designed and intended to be 32341
used, for residential purposes. "Building" does not include any 32342
building or structure that is occupied by its owner and that 32343
contains three or fewer residential units. 32344

(2)(a) "Public nuisance" means a building that is a menace to 32345
the public health, welfare, or safety; that is structurally 32346
unsafe, unsanitary, or not provided with adequate safe egress; 32347
that constitutes a fire hazard, is otherwise dangerous to human 32348
life, or is otherwise no longer fit and habitable; or that, in 32349
relation to its existing use, constitutes a hazard to the public 32350
health, welfare, or safety by reason of inadequate maintenance, 32351
dilapidation, obsolescence, or abandonment. 32352

(b) "Public nuisance" as it applies to subsidized housing 32353
means subsidized housing that fails to meet the following 32354
standards as specified in the federal rules governing each 32355

<u>standard:</u>	32356
<u>(i) Each building on the site is structurally sound, secure, habitable, and in good repair, as defined in 24 C.F.R. 5.703(b);</u>	32357 32358
<u>(ii) Each building's domestic water, electrical system, elevators, emergency power, fire protection, HVAC, and sanitary system is free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(c);</u>	32359 32360 32361 32362 32363
<u>(iii) Each dwelling unit within the building is structurally sound, habitable, and in good repair, and all areas and aspects of the dwelling unit are free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(d)(1);</u>	32364 32365 32366 32367 32368
<u>(iv) Where applicable, the dwelling unit has hot and cold running water, including an adequate source of potable water, as defined in 24 C.F.R. 5.703(d)(2);</u>	32369 32370 32371
<u>(v) If the dwelling unit includes its own sanitary facility, it is in proper operating condition, usable in privacy, and adequate for personal hygiene, and the disposal of human waste, as defined in 24 C.F.R. 5.703(d)(3);</u>	32372 32373 32374 32375
<u>(vi) The common areas are structurally sound, secure, and functionally adequate for the purposes intended. The basement, garage, carport, restrooms, closets, utility, mechanical, community rooms, daycare, halls, corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, and trash collection areas are free of health and safety hazards, operable, and in good repair. All common area ceilings, doors, floors, HVAC, lighting, smoke detectors, stairs, walls, and windows, to the extent applicable, are free of health and safety hazards, operable, and in good repair, as defined in 24 C.F.R. 5.703(e);</u>	32376 32377 32378 32379 32380 32381 32382 32383 32384 32385
<u>(vii) All areas and components of the housing are free of</u>	32386

health and safety hazards. These areas include, but are not 32387
limited to, air quality, electrical hazards, elevators, 32388
emergency/fire exits, flammable materials, garbage and debris, 32389
handrail hazards, infestation, and lead-based paint, as defined in 32390
24 C.F.R. 5.703(f). 32391

(3) "Abate" or "abatement" in connection with any building 32392
means the removal or correction of any conditions that constitute 32393
a public nuisance and the making of any other improvements that 32394
are needed to effect a rehabilitation of the building that is 32395
consistent with maintaining safe and habitable conditions over its 32396
remaining useful life. "Abatement" does not include the closing or 32397
boarding up of any building that is found to be a public nuisance. 32398

(4) "Interested party" means any owner, mortgagee, 32399
lienholder, tenant, or person that possesses an interest of record 32400
in any property that becomes subject to the jurisdiction of a 32401
court pursuant to this section, and any applicant for the 32402
appointment of a receiver pursuant to this section. 32403

(5) "Neighbor" means any owner of property, including, but 32404
not limited to, any person who is purchasing property by land 32405
installment contract or under a duly executed purchase contract, 32406
that is located within five hundred feet of any property that 32407
becomes subject to the jurisdiction of a court pursuant to this 32408
section, and any occupant of a building that is so located. 32409

(6) "Tenant" has the same meaning as in section 5321.01 of 32410
the Revised Code. 32411

(7) "Subsidized housing" means a property consisting of more 32412
than four dwelling units that, in whole or in part, receives 32413
project-based assistance pursuant to a contract under any of the 32414
following federal housing programs: 32415

(a) The new construction or substantial rehabilitation 32416
program under section 8(b)(2) of the "United States Housing Act of 32417

1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 32418
that program was in effect immediately before the first day of 32419
October, 1983; 32420

(b) The moderate rehabilitation program under section 8(e)(2) 32421
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 32422
Stat. 888, 42 U.S.C. 1437f(e)(2); 32423

(c) The loan management assistance program under section 8 of 32424
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 32425
Stat. 888, 42 U.S.C. 1437f; 32426

(d) The rent supplement program under section 101 of the 32427
"Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 32428
79 Stat. 667, 12 U.S.C. 1701s; 32429

(e) Section 8 of the "United States Housing Act of 1937," 32430
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following 32431
conversion from assistance under section 101 of the "Housing and 32432
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 32433
12 U.S.C. 1701s; 32434

(f) The program of supportive housing for the elderly under 32435
section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 32436
Stat. 654, 12 U.S.C. 1701q; 32437

(g) The program of supportive housing for persons with 32438
disabilities under section 811 of the "National Affordable Housing 32439
Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013. 32440

(8) "Project-based assistance" means the assistance is 32441
attached to the property and provides rental assistance only on 32442
behalf of tenants who reside in that property. 32443

(9) "Landlord" has the same meaning as in section 5321.01 of 32444
the Revised Code. 32445

(B)(1)(a) In any civil action to enforce any local building, 32446
housing, air pollution, sanitation, health, fire, zoning, or 32447

safety code, ordinance, or regulation applicable to buildings, 32448
that is commenced in a court of common pleas, municipal court, 32449
housing or environmental division of a municipal court, or county 32450
court, or in any civil action for abatement commenced in a court 32451
of common pleas, municipal court, housing or environmental 32452
division of a municipal court, or county court, by a municipal 32453
corporation in which the building involved is located, by any 32454
neighbor, tenant, or by a nonprofit corporation that is duly 32455
organized and has as one of its goals the improvement of housing 32456
conditions in the county or municipal corporation in which the 32457
building involved is located, if a building is alleged to be a 32458
public nuisance, the municipal corporation, neighbor, tenant, or 32459
nonprofit corporation may apply in its complaint for an injunction 32460
or other order as described in division (C)(1) of this section, or 32461
for the relief described in division (C)(2) of this section, 32462
including, if necessary, the appointment of a receiver as 32463
described in divisions (C)(2) and (3) of this section, or for both 32464
such an injunction or other order and such relief. The municipal 32465
corporation, neighbor, tenant, or nonprofit corporation commencing 32466
the action is not liable for the costs, expenses, and fees of any 32467
receiver appointed pursuant to divisions (C)(2) and (3) of this 32468
section. 32469

(b) Prior to commencing a civil action for abatement when the 32470
property alleged to be a public nuisance is subsidized housing, 32471
the municipal corporation, neighbor, tenant, or nonprofit 32472
corporation commencing the action shall provide the landlord of 32473
that property with written notice that specifies one or more 32474
defective conditions that constitute a public nuisance as that 32475
term applies to subsidized housing and states that if the landlord 32476
fails to remedy the condition within sixty days of the service of 32477
the notice, a claim pursuant to this section may be brought on the 32478
basis that the property constitutes a public nuisance in 32479
subsidized housing. Any party authorized to bring an action 32480

against the landlord shall make reasonable attempts to serve the 32481
notice in the manner prescribed in the Rules of Civil Procedure to 32482
the landlord or the landlord's agent for the property at the 32483
property's management office, or at the place where the tenants 32484
normally pay or send rent. If the landlord is not the owner of 32485
record, the party bringing the action shall make a reasonable 32486
attempt to serve the owner. If the owner does not receive service 32487
the person bringing the action shall certify the attempts to serve 32488
the owner. 32489

(2)(a) In a civil action described in division (B)(1) of this 32490
section, a copy of the complaint and a notice of the date and time 32491
of a hearing on the complaint shall be served upon the owner of 32492
the building and all other interested parties in accordance with 32493
the Rules of Civil Procedure. If certified mail service, personal 32494
service, or residence service of the complaint and notice is 32495
refused or certified mail service of the complaint and notice is 32496
not claimed, and if the municipal corporation, neighbor, tenant, 32497
or nonprofit corporation commencing the action makes a written 32498
request for ordinary mail service of the complaint and notice, or 32499
uses publication service, in accordance with the Rules of Civil 32500
Procedure, then a copy of the complaint and notice shall be posted 32501
in a conspicuous place on the building. 32502

(b) The judge in a civil action described in division (B)(1) 32503
of this section shall conduct a hearing at least twenty-eight days 32504
after the owner of the building and the other interested parties 32505
have been served with a copy of the complaint and the notice of 32506
the date and time of the hearing in accordance with division 32507
(B)(2)(a) of this section. 32508

(c) In considering whether subsidized housing is a public 32509
nuisance, the judge shall construe the standards set forth in 32510
division (A)(2)(b) of this section in a manner consistent with 32511
department of housing and urban development and judicial 32512

interpretations of those standards. The judge shall deem that the 32513
property is not a public nuisance if during the twelve months 32514
prior to the service of the notice that division (B)(1)(b) of this 32515
section requires, the department of housing and urban 32516
development's real estate assessment center issued a score of 32517
seventy-five or higher out of a possible one hundred points 32518
pursuant to its regulations governing the physical condition of 32519
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 32520
and since the most recent inspection, there has been no 32521
significant change in the property's conditions that would create 32522
a serious threat to the health, safety, or welfare of the 32523
property's tenants. 32524

(C)(1) If the judge in a civil action described in division 32525
(B)(1) of this section finds at the hearing required by division 32526
(B)(2) of this section that the building involved is a public 32527
nuisance, if the judge additionally determines that the owner of 32528
the building previously has not been afforded a reasonable 32529
opportunity to abate the public nuisance or has been afforded such 32530
an opportunity and has not refused or failed to abate the public 32531
nuisance, and if the complaint of the municipal corporation, 32532
neighbor, tenant, or nonprofit corporation commencing the action 32533
requested the issuance of an injunction as described in this 32534
division, then the judge may issue an injunction requiring the 32535
owner of the building to abate the public nuisance or issue any 32536
other order that the judge considers necessary or appropriate to 32537
cause the abatement of the public nuisance. If an injunction is 32538
issued pursuant to this division, the owner of the building 32539
involved shall be given no more than thirty days from the date of 32540
the entry of the judge's order to comply with the injunction, 32541
unless the judge, for good cause shown, extends the time for 32542
compliance. 32543

(2) If the judge in a civil action described in division 32544

(B)(1) of this section finds at the hearing required by division 32545
(B)(2) of this section that the building involved is a public 32546
nuisance, if the judge additionally determines that the owner of 32547
the building previously has been afforded a reasonable opportunity 32548
to abate the public nuisance and has refused or failed to do so, 32549
and if the complaint of the municipal corporation, neighbor, 32550
tenant, or nonprofit corporation commencing the action requested 32551
relief as described in this division, then the judge shall offer 32552
any mortgagee, lienholder, or other interested party associated 32553
with the property on which the building is located, in the order 32554
of the priority of interest in title, the opportunity to undertake 32555
the work and to furnish the materials necessary to abate the 32556
public nuisance. Prior to selecting any interested party, the 32557
judge shall require the interested party to demonstrate the 32558
ability to promptly undertake the work and furnish the materials 32559
required, to provide the judge with a viable financial and 32560
construction plan for the rehabilitation of the building as 32561
described in division (D) of this section, and to post security 32562
for the performance of the work and the furnishing of the 32563
materials. 32564

If the judge determines, at the hearing, that no interested 32565
party is willing or able to undertake the work and to furnish the 32566
materials necessary to abate the public nuisance, or if the judge 32567
determines, at any time after the hearing, that any party who is 32568
undertaking corrective work pursuant to this division cannot or 32569
will not proceed, or has not proceeded with due diligence, the 32570
judge may appoint a receiver pursuant to division (C)(3) of this 32571
section to take possession and control of the building. 32572

(3)(a) The judge in a civil action described in division 32573
(B)(1) of this section shall not appoint any person as a receiver 32574
unless the person first has provided the judge with a viable 32575
financial and construction plan for the rehabilitation of the 32576

building involved as described in division (D) of this section and 32577
has demonstrated the capacity and expertise to perform the 32578
required work and to furnish the required materials in a 32579
satisfactory manner. An appointed receiver may be a financial 32580
institution that possesses an interest of record in the building 32581
or the property on which it is located, a nonprofit corporation as 32582
described in divisions (B)(1) and (C)(3)(b) of this section, 32583
including, but not limited to, a nonprofit corporation that 32584
commenced the action described in division (B)(1) of this section, 32585
or any other qualified property manager. 32586

(b) To be eligible for appointment as a receiver, no part of 32587
the net earnings of a nonprofit corporation shall inure to the 32588
benefit of any private shareholder or individual. Membership on 32589
the board of trustees of a nonprofit corporation appointed as a 32590
receiver does not constitute the holding of a public office or 32591
employment within the meaning of sections 731.02 and 731.12 or any 32592
other section of the Revised Code and does not constitute a direct 32593
or indirect interest in a contract or expenditure of money by any 32594
municipal corporation. A member of a board of trustees of a 32595
nonprofit corporation appointed as a receiver shall not be 32596
disqualified from holding any public office or employment, and 32597
shall not forfeit any public office or employment, by reason of 32598
~~his~~ membership on the board of trustees, notwithstanding any law 32599
to the contrary. 32600

(D) Prior to ordering any work to be undertaken, or the 32601
furnishing of any materials, to abate a public nuisance under this 32602
section, the judge in a civil action described in division (B)(1) 32603
of this section shall review the submitted financial and 32604
construction plan for the rehabilitation of the building involved 32605
and, if it specifies all of the following, shall approve that 32606
plan: 32607

(1) The estimated cost of the labor, materials, and any other 32608

development costs that are required to abate the public nuisance;	32609
(2) The estimated income and expenses of the building and the property on which it is located after the furnishing of the materials and the completion of the repairs and improvements;	32610 32611 32612
(3) The terms, conditions, and availability of any financing that is necessary to perform the work and to furnish the materials;	32613 32614 32615
(4) If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance.	32616 32617 32618
(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership.	32619 32620 32621 32622 32623 32624 32625 32626
(F) Before proceeding with his <u>the duties of receiver</u> , any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge.	32627 32628 32629 32630 32631
The judge may empower the receiver to do any or all of the following:	32632 32633
(1) Take possession and control of the building and the property on which it is located, operate and manage the building and the property, establish and collect rents and income, lease and rent the building and the property, and evict tenants;	32634 32635 32636 32637
(2) Pay all expenses of operating and conserving the building	32638

and the property, including, but not limited to, the cost of 32639
electricity, gas, water, sewerage, heating fuel, repairs and 32640
supplies, custodian services, taxes and assessments, and insurance 32641
premiums, and hire and pay reasonable compensation to a managing 32642
agent; 32643

(3) Pay pre-receivership mortgages or installments of them 32644
and other liens; 32645

(4) Perform or enter into contracts for the performance of 32646
all work and the furnishing of materials necessary to abate, and 32647
obtain financing for the abatement of, the public nuisance; 32648

(5) Pursuant to court order, remove and dispose of any 32649
personal property abandoned, stored, or otherwise located in or on 32650
the building and the property that creates a dangerous or unsafe 32651
condition or that constitutes a violation of any local building, 32652
housing, air pollution, sanitation, health, fire, zoning, or 32653
safety code, ordinance, or regulation; 32654

(6) Obtain mortgage insurance for any receiver's mortgage 32655
from any agency of the federal government; 32656

(7) Enter into any agreement and do those things necessary to 32657
maintain and preserve the building and the property and comply 32658
with all local building, housing, air pollution, sanitation, 32659
health, fire, zoning, or safety codes, ordinances, and 32660
regulations; 32661

(8) Give the custody of the building and the property, and 32662
the opportunity to abate the nuisance and operate the property, to 32663
its owner or any mortgagee or lienholder of record; 32664

(9) Issue notes and secure them by a mortgage bearing 32665
interest, and upon terms and conditions, that the judge approves. 32666
When sold or transferred by the receiver in return for valuable 32667
consideration in money, material, labor, or services, the notes or 32668
certificates shall be freely transferable. Any mortgages granted 32669

by the receiver shall be superior to any claims of the receiver. 32670
Priority among the receiver's mortgages shall be determined by the 32671
order in which they are recorded. 32672

(G) A receiver appointed pursuant to this section is not 32673
personally liable except for misfeasance, malfeasance, or 32674
nonfeasance in the performance of the functions of ~~his~~ the office 32675
of receiver. 32676

(H)(1) The judge in a civil action described in division 32677
(B)(1) of this section may assess as court costs, the expenses 32678
described in division (F)(2) of this section, and may approve 32679
receiver's fees to the extent that they are not covered by the 32680
income from the property. Subject to that limitation, a receiver 32681
appointed pursuant to divisions (C)(2) and (3) of this section is 32682
entitled to receive fees in the same manner and to the same extent 32683
as receivers appointed in actions to foreclose mortgages. 32684

(2)(a) Pursuant to the police powers vested in the state, all 32685
expenditures of a mortgagee, lienholder, or other interested party 32686
that has been selected pursuant to division (C)(2) of this section 32687
to undertake the work and to furnish the materials necessary to 32688
abate a public nuisance, and any expenditures in connection with 32689
the foreclosure of the lien created by this division, is a first 32690
lien upon the building involved and the property on which it is 32691
located and is superior to all prior and subsequent liens or other 32692
encumbrances associated with the building or the property, 32693
including, but not limited to, those for taxes and assessments, 32694
upon the occurrence of both of the following: 32695

(i) The prior approval of the expenditures by, and the entry 32696
of a judgment to that effect by, the judge in the civil action 32697
described in division (B)(1) of this section; 32698

(ii) The recordation of a certified copy of the judgment 32699
entry and a sufficient description of the property on which the 32700

building is located with the county recorder in the county in 32701
which the property is located within sixty days after the date of 32702
the entry of the judgment. 32703

(b) Pursuant to the police powers vested in the state, all 32704
expenses and other amounts paid in accordance with division (F) of 32705
this section by a receiver appointed pursuant to divisions (C)(2) 32706
and (3) of this section, the amounts of any notes issued by the 32707
receiver in accordance with division (F) of this section, all 32708
mortgages granted by the receiver in accordance with that 32709
division, the fees of the receiver approved pursuant to division 32710
(H)(1) of this section, and any amounts expended in connection 32711
with the foreclosure of a mortgage granted by the receiver in 32712
accordance with division (F) of this section or with the 32713
foreclosure of the lien created by this division, are a first lien 32714
upon the building involved and the property on which it is located 32715
and are superior to all prior and subsequent liens or other 32716
encumbrances associated with the building or the property, 32717
including, but not limited to, those for taxes and assessments, 32718
upon the occurrence of both of the following: 32719

(i) The approval of the expenses, amounts, or fees by, and 32720
the entry of a judgment to that effect by, the judge in the civil 32721
action described in division (B)(1) of this section; or the 32722
approval of the mortgages in accordance with division (F)(9) of 32723
this section by, and the entry of a judgment to that effect by, 32724
that judge; 32725

(ii) The recordation of a certified copy of the judgment 32726
entry and a sufficient description of the property on which the 32727
building is located, or, in the case of a mortgage, the 32728
recordation of the mortgage, a certified copy of the judgment 32729
entry, and such a description, with the county recorder of the 32730
county in which the property is located within sixty days after 32731
the date of the entry of the judgment. 32732

(c) Priority among the liens described in divisions (H)(2)(a) 32733
and (b) of this section shall be determined as described in 32734
division (I) of this section. Additionally, the creation pursuant 32735
to this section of a mortgage lien that is prior to or superior to 32736
any mortgage of record at the time the mortgage lien is so 32737
created, does not disqualify the mortgage of record as a legal 32738
investment under Chapter 1107. or 1151. or any other chapter of 32739
the Revised Code. 32740

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 32741
and (3) of this section files with the judge in the civil action 32742
described in division (B)(1) of this section a report indicating 32743
that the public nuisance has been abated, if the judge confirms 32744
that the receiver has abated the public nuisance, and if the 32745
receiver or any interested party requests the judge to enter an 32746
order directing the receiver to sell the building and the property 32747
on which it is located, the judge may enter that order after 32748
holding a hearing as described in division (I)(2) of this section 32749
and otherwise complying with that division. 32750

(2)(a) The receiver or interested party requesting an order 32751
as described in division (I)(1) of this section shall cause a 32752
notice of the date and time of a hearing on the request to be 32753
served on the owner of the building involved and all other 32754
interested parties in accordance with division (B)(2)(a) of this 32755
section. The judge in the civil action described in division 32756
(B)(1) of this section shall conduct the scheduled hearing. At the 32757
hearing, if the owner or any interested party objects to the sale 32758
of the building and the property, the burden of proof shall be 32759
upon the objecting person to establish, by a preponderance of the 32760
evidence, that the benefits of not selling the building and the 32761
property outweigh the benefits of selling them. If the judge 32762
determines that there is no objecting person, or if the judge 32763
determines that there is one or more objecting persons but no 32764

objecting person has sustained the burden of proof specified in 32765
this division, the judge may enter an order directing the receiver 32766
to offer the building and the property for sale upon terms and 32767
conditions that the judge shall specify. 32768

(b) In any sale of subsidized housing that is ordered 32769
pursuant to this section, the judge shall specify that the 32770
subsidized housing not be conveyed unless that conveyance complies 32771
with applicable federal law and applicable program contracts for 32772
that housing. Any such conveyance shall be subject to the 32773
condition that the purchaser enter into a contract with the 32774
department of housing and urban development under which the 32775
property continues to be subsidized housing and the owner 32776
continues to operate that property as subsidized housing unless 32777
the secretary of housing and urban development terminates that 32778
property's contract prior to or upon the conveyance of the 32779
property. 32780

(3) If a sale of a building and the property on which it is 32781
located is ordered pursuant to divisions (I)(1) and (2) of this 32782
section and if the sale occurs in accordance with the terms and 32783
conditions specified by the judge in ~~his~~ the judge's order of 32784
sale, then the receiver shall distribute the proceeds of the sale 32785
and the balance of any funds that the receiver may possess, after 32786
the payment of the costs of the sale, in the following order of 32787
priority and in the described manner: 32788

(a) First, in satisfaction of any notes issued by the 32789
receiver pursuant to division (F) of this section, in their order 32790
of priority; 32791

(b) Second, any unreimbursed expenses and other amounts paid 32792
in accordance with division (F) of this section by the receiver, 32793
and the fees of the receiver approved pursuant to division (H)(1) 32794
of this section; 32795

(c) Third, all expenditures of a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance, provided that the expenditures were approved as described in division (H)(2)(a) of this section and provided that, if any such interested party subsequently became the receiver, its expenditures shall be paid prior to the expenditures of any of the other interested parties so selected;

(d) Fourth, the amount due for delinquent taxes, assessments, charges, penalties, and interest owed to this state or a political subdivision of this state, provided that, if the amount available for distribution pursuant to division (I)(3)(d) of this section is insufficient to pay the entire amount of those taxes, assessments, charges, penalties, and interest, the proceeds and remaining funds shall be paid to each claimant in proportion to the amount of those taxes, assessments, charges, penalties, and interest that each is due.

(e) The amount of any pre-receivership mortgages, liens, or other encumbrances, in their order of priority.

(4) Following a distribution in accordance with division (I)(3) of this section, the receiver shall request the judge in the civil action described in division (B)(1) of this section to enter an order terminating the receivership. If the judge determines that the sale of the building and the property on which it is located occurred in accordance with the terms and conditions specified by the judge in ~~his~~ the judge's order of sale under division (I)(2) of this section and that the receiver distributed the proceeds of the sale and the balance of any funds that the receiver possessed, after the payment of the costs of the sale, in accordance with division (I)(3) of this section, and if the judge approves any final accounting required of the receiver, the judge

may terminate the receivership. 32828

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 32829
(3) of this section may be discharged at any time in the 32830
discretion of the judge in the civil action described in division 32831
(B)(1) of this section. The receiver shall be discharged by the 32832
judge as provided in division (I)(4) of this section, or when all 32833
of the following have occurred: 32834

(a) The public nuisance has been abated; 32835

(b) All costs, expenses, and approved fees of the 32836
receivership have been paid; 32837

(c) Either all receiver's notes issued and mortgages granted 32838
pursuant to this section have been paid, or all the holders of the 32839
notes and mortgages request that the receiver be discharged. 32840

(2) If a judge in a civil action described in division (B)(1) 32841
of this section determines that, and enters of record a 32842
declaration that, a public nuisance has been abated by a receiver, 32843
and if, within three days after the entry of the declaration, all 32844
costs, expenses, and approved fees of the receivership have not 32845
been paid in full, then, in addition to the circumstances 32846
specified in division (I) of this section for the entry of such an 32847
order, the judge may enter an order directing the receiver to sell 32848
the building involved and the property on which it is located. Any 32849
such order shall be entered, and the sale shall occur, only in 32850
compliance with division (I) of this section. 32851

(K) The title in any building, and in the property on which 32852
it is located, that is sold at a sale ordered under division (I) 32853
or (J)(2) of this section shall be incontestable in the purchaser 32854
and shall be free and clear of all liens for delinquent taxes, 32855
assessments, charges, penalties, and interest owed to this state 32856
or any political subdivision of this state, that could not be 32857
satisfied from the proceeds of the sale and the remaining funds in 32858

the receiver's possession pursuant to the distribution under 32859
division (I)(3) of this section. All other liens and encumbrances 32860
with respect to the building and the property shall survive the 32861
sale, including, but not limited to, a federal tax lien notice 32862
properly filed in accordance with section 317.09 of the Revised 32863
Code prior to the time of the sale, and the easements and 32864
covenants of record running with the property that were created 32865
prior to the time of the sale. 32866

(L)(1) Nothing in this section shall be construed as a 32867
limitation upon the powers granted to a court of common pleas, a 32868
municipal court or a housing or environmental division of a 32869
municipal court under Chapter 1901. of the Revised Code, or a 32870
county court under Chapter 1907. of the Revised Code. 32871

(2) The monetary and other limitations specified in Chapters 32872
1901. and 1907. of the Revised Code upon the jurisdiction of 32873
municipal and county courts, and of housing or environmental 32874
divisions of municipal courts, in civil actions do not operate as 32875
limitations upon any of the following: 32876

(a) Expenditures of a mortgagee, lienholder, or other 32877
interested party that has been selected pursuant to division 32878
(C)(2) of this section to undertake the work and to furnish the 32879
materials necessary to abate a public nuisance; 32880

(b) Any notes issued by a receiver pursuant to division (F) 32881
of this section; 32882

(c) Any mortgage granted by a receiver in accordance with 32883
division (F) of this section; 32884

(d) Expenditures in connection with the foreclosure of a 32885
mortgage granted by a receiver in accordance with division (F) of 32886
this section; 32887

(e) The enforcement of an order of a judge entered pursuant 32888
to this section; 32889

(f) The actions that may be taken pursuant to this section by 32890
a receiver or a mortgagee, lienholder, or other interested party 32891
that has been selected pursuant to division (C)(2) of this section 32892
to undertake the work and to furnish the materials necessary to 32893
abate a public nuisance. 32894

(3) A judge in a civil action described in division (B)(1) of 32895
this section, or the judge's successor in office, has continuing 32896
jurisdiction to review the condition of any building that was 32897
determined to be a public nuisance pursuant to this section. 32898

Sec. 3769.087. (A) In addition to the commission of eighteen 32899
per cent retained by each permit holder as provided in section 32900
3769.08 of the Revised Code, each permit holder shall retain an 32901
additional amount equal to four per cent of the total of all 32902
moneys wagered on each racing day on all wagering pools other than 32903
win, place, and show, of which amount retained an amount equal to 32904
three per cent of the total of all moneys wagered on each racing 32905
day on those pools shall be paid by check, draft, or money order 32906
to the tax commissioner, as a tax. Subject to the restrictions 32907
contained in divisions (B), (C), and (M) of section 3769.08 of the 32908
Revised Code, from such additional moneys paid to the tax 32909
commissioner: 32910

(1) Four-sixths shall be allocated to fund distribution as 32911
provided in division (M) of section 3769.08 of the Revised Code. 32912

(2) One-twelfth shall be paid into the Ohio fairs fund 32913
created by section 3769.082 of the Revised Code. 32914

(3) One-twelfth of the additional moneys paid to the tax 32915
commissioner by thoroughbred racing permit holders shall be paid 32916
into the Ohio thoroughbred race fund created by section 3769.083 32917
of the Revised Code. 32918

(4) One-twelfth of the additional moneys paid to the tax 32919

commissioner by harness horse racing permit holders shall be paid 32920
to the Ohio standardbred development fund created by section 32921
3769.085 of the Revised Code. 32922

(5) One-twelfth of the additional moneys paid to the tax 32923
commissioner by quarter horse racing permit holders shall be paid 32924
to the Ohio quarter horse development fund created by section 32925
3769.086 of the Revised Code. 32926

(6) One-sixth shall be paid into the state racing commission 32927
operating fund created by section 3769.03 of the Revised Code. 32928

The remaining one per cent that is retained of the total of 32929
all moneys wagered on each racing day on all pools other than win, 32930
place, and show, shall be retained by racing permit holders, and, 32931
except as otherwise provided in section 3769.089 of the Revised 32932
Code, racing permit holders shall use one-half for purse money and 32933
retain one-half. 32934

(B) In addition to the commission of eighteen per cent 32935
retained by each permit holder as provided in section 3769.08 of 32936
the Revised Code and the additional amount retained by each permit 32937
holder as provided in division (A) of this section, each permit 32938
holder shall retain an additional amount equal to one-half of one 32939
per cent of the total of all moneys wagered on each racing day on 32940
all wagering pools other than win, place, and show. ~~Except as~~ 32941
~~provided in division (C) of this section, from the~~ The additional 32942
amount retained under this division, ~~each permit holder shall~~ 32943
~~retain an amount equal to one quarter of one per cent of the total~~ 32944
~~of all moneys wagered on each racing day on all pools other than~~ 32945
~~win, place, and show and shall pay that amount~~ shall be paid by 32946
check, draft, or money order to the tax commissioner, as a tax. 32947
The tax commissioner shall pay the amount of the tax received 32948
under this division to the state racing commission operating fund 32949
created by section 3769.03 of the Revised Code. 32950

~~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 to division (D) of that section. Subjects covered in these rules shall include, but need not be limited to, the following:

(1) The type of lottery to be conducted;

(2) The prices of tickets in the lottery. No rule shall set a price that exceeds twenty dollars to purchase an individual lottery ticket.

(3) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets. No rule shall authorize drawings on a Sunday for any lottery game unless the rule is approved by an executive order of the governor.

(B) The commission shall promulgate rules, in addition to

those described in division (A) of this section, pursuant to 32981
Chapter 119. of the Revised Code under which a statewide lottery 32982
and statewide joint lottery games may be conducted. Subjects 32983
covered in these rules shall include, but not be limited to, the 32984
following: 32985

(1) The locations at which lottery tickets may be sold and 32986
the manner in which they are to be sold. These rules may authorize 32987
the sale of lottery tickets by commission personnel or other 32988
licensed individuals from traveling show wagons at the state fair, 32989
and at any other expositions the director of the commission 32990
considers acceptable. These rules shall prohibit commission 32991
personnel or other licensed individuals from soliciting from an 32992
exposition the right to sell lottery tickets at that exposition, 32993
but shall allow commission personnel or other licensed individuals 32994
to sell lottery tickets at an exposition if the exposition 32995
requests commission personnel or licensed individuals to do so. 32996
These rules may also address the accessibility of sales agent 32997
locations to commission products in accordance with the "Americans 32998
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 32999
et seq. 33000

(2) The manner in which lottery sales revenues are to be 33001
collected, including authorization for the director to impose 33002
penalties for failure by lottery sales agents to transfer revenues 33003
to the commission in a timely manner; 33004

(3) The amount of compensation to be paid licensed lottery 33005
sales agents; 33006

(4) The substantive criteria for the licensing of lottery 33007
sales agents consistent with section 3770.05 of the Revised Code, 33008
and procedures for revoking or suspending their licenses 33009
consistent with Chapter 119. of the Revised Code. If 33010
circumstances, such as the nonpayment of funds owed by a lottery 33011
sales agent, or other circumstances related to the public safety, 33012

convenience, or trust, require immediate action, the director may 33013
suspend a license without affording an opportunity for a prior 33014
hearing under section 119.07 of the Revised Code. 33015

(5) Special game rules to implement any agreements signed by 33016
the governor that the director enters into with other lottery 33017
jurisdictions under division (J) of section 3770.02 of the Revised 33018
Code to conduct statewide joint lottery games. The rules shall 33019
require that the entire net proceeds of those games that remain, 33020
after associated operating expenses, prize disbursements, lottery 33021
sales agent bonuses, commissions, and reimbursements, and any 33022
other expenses necessary to comply with the agreements or the 33023
rules are deducted from the gross proceeds of those games, be 33024
transferred to the lottery profits education fund under division 33025
(B) of section 3770.06 of the Revised Code. 33026

(C) The commission may promulgate rules, in addition to those 33027
described in divisions (A) and (B) of this section, that establish 33028
standards governing the display of advertising and celebrity 33029
images on lottery tickets and on other items that are used in the 33030
conduct of, or to promote, the statewide lottery and statewide 33031
joint lottery games. Any revenue derived from the sale of 33032
advertising displayed on lottery tickets and on those other items 33033
shall be considered, for purposes of section 3770.06 of the 33034
Revised Code, to be related proceeds in connection with the 33035
statewide lottery or gross proceeds from statewide joint lottery 33036
games, as applicable. 33037

(D)(1) The commission shall meet with the director at least 33038
once each month and shall convene other meetings at the request of 33039
the chairperson or any five of the members. No action taken by the 33040
commission shall be binding unless at least five of the members 33041
present vote in favor of the action. A written record shall be 33042
made of the proceedings of each meeting and shall be transmitted 33043
forthwith to the governor, the president of the senate, the senate 33044

minority leader, the speaker of the house of representatives, and 33045
the house minority leader. 33046

(2) The director shall present to the commission a report 33047
each month, showing the total revenues, prize disbursements, and 33048
operating expenses of the state lottery for the preceding month. 33049
As soon as practicable after the end of each fiscal year, the 33050
commission shall prepare and transmit to the governor and the 33051
general assembly a report of lottery revenues, prize 33052
disbursements, and operating expenses for the preceding fiscal 33053
year and any recommendations for legislation considered necessary 33054
by the commission. 33055

Sec. 3770.06. (A) There is hereby created the state lottery 33056
gross revenue fund, which shall be in the custody of the treasurer 33057
of state but shall not be part of the state treasury. All gross 33058
revenues received from sales of lottery tickets, fines, fees, and 33059
related proceeds in connection with the statewide lottery and all 33060
gross proceeds from statewide joint lottery games shall be 33061
deposited into the fund. The treasurer of state shall invest any 33062
portion of the fund not needed for immediate use in the same 33063
manner as, and subject to all provisions of law with respect to 33064
the investment of, state funds. The treasurer of state shall 33065
disburse money from the fund on order of the director of the state 33066
lottery commission or the director's designee. 33067

Except for gross proceeds from statewide joint lottery games, 33068
all revenues of the state lottery gross revenue fund that are not 33069
paid to holders of winning lottery tickets, that are not required 33070
to meet short-term prize liabilities, that are not credited to 33071
lottery sales agents in the form of bonuses, commissions, or 33072
reimbursements, that are not paid to financial institutions to 33073
reimburse those institutions for sales agent nonsufficient funds, 33074
and that are collected from sales agents for remittance to 33075

insurers under contract to provide sales agent bonding services 33076
shall be transferred to the state lottery fund, which is hereby 33077
created in the state treasury. In addition, all revenues of the 33078
state lottery gross revenue fund that represent the gross proceeds 33079
from the statewide joint lottery games and that are not paid to 33080
holders of winning lottery tickets, that are not required to meet 33081
short-term prize liabilities, that are not credited to lottery 33082
sales agents in the form of bonuses, commissions, or 33083
reimbursements, and that are not necessary to cover operating 33084
expenses associated with those games or to otherwise comply with 33085
the agreements signed by the governor that the director enters 33086
into under division (J) of section 3770.02 of the Revised Code or 33087
the rules the commission adopts under division (B)(5) of section 33088
3770.03 of the Revised Code shall be transferred to the state 33089
lottery fund. All investment earnings of the fund shall be 33090
credited to the fund. Moneys shall be disbursed from the fund 33091
pursuant to vouchers approved by the director. Total disbursements 33092
for monetary prize awards to holders of winning lottery tickets in 33093
connection with the statewide lottery and purchases of goods and 33094
services awarded as prizes to holders of winning lottery tickets 33095
shall be of an amount equal to at least fifty per cent of the 33096
total revenue accruing from the sale of lottery tickets. 33097

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 33098
there is hereby established in the state treasury the lottery 33099
profits education fund. Whenever, in the judgment of the director 33100
of budget and management, the amount to the credit of the state 33101
lottery fund that does not represent proceeds from statewide joint 33102
lottery games is in excess of that needed to meet the maturing 33103
obligations of the commission and as working capital for its 33104
further operations, the director shall transfer the excess to the 33105
lottery profits education fund in connection with the statewide 33106
lottery. In addition, whenever, in the judgment of the director of 33107
budget and management, the amount to the credit of the state 33108

lottery fund that represents proceeds from statewide joint lottery 33109
games equals the entire net proceeds of those games as described 33110
in division (B)(5) of section 3770.03 of the Revised Code and the 33111
rules adopted under that division, the director shall transfer 33112
those proceeds to the lottery profits education fund. There shall 33113
also be credited to the fund any repayments of moneys loaned from 33114
the educational excellence investment fund. Investment earnings of 33115
the lottery profits education fund shall be credited to the fund. 33116

The lottery profits education fund shall be used solely for 33117
the support of elementary, secondary, vocational, and special 33118
education programs as determined in appropriations made by the 33119
general assembly, or as provided in applicable bond proceedings 33120
for the payment of debt service on obligations issued to pay costs 33121
of capital facilities, including those for a system of common 33122
schools throughout the state pursuant to section 2n of Article 33123
VIII, Ohio Constitution. When determining the availability of 33124
money in the lottery profits education fund, the director of 33125
budget and management may consider all balances and estimated 33126
revenues of the fund. 33127

~~From the amounts that the director of budget and management 33128
transfers in any fiscal year from the state lottery fund to the 33129
lottery profits education fund, the director shall transfer the 33130
initial ten million dollars of those amounts from the lottery 33131
profits education fund to the school building program bond service 33132
fund created in division (Q) of section 3318.26 of the Revised 33133
Code to be pledged for the purpose of paying bond service charges 33134
as defined in division (C) of section 3318.21 of the Revised Code 33135
on one or more issuances of obligations, which obligations are 33136
issued to provide moneys for the school building program 33137
assistance fund created in section 3318.25 of the Revised Code. 33138~~

(C) There is hereby established in the state treasury the 33139
deferred prizes trust fund. With the approval of the director of 33140

budget and management, an amount sufficient to fund annuity prizes 33141
shall be transferred from the state lottery fund and credited to 33142
the trust fund. The treasurer of state shall credit all earnings 33143
arising from investments purchased under this division to the 33144
trust fund. Within sixty days after the end of each fiscal year, 33145
the treasurer of state shall certify to the director of budget and 33146
management whether the actuarial amount of the trust fund is 33147
sufficient over the fund's life for continued funding of all 33148
remaining deferred prize liabilities as of the last day of the 33149
fiscal year just ended. Also, within that sixty days, the director 33150
of budget and management shall certify the amount of investment 33151
earnings necessary to have been credited to the trust fund during 33152
the fiscal year just ending to provide for such continued funding 33153
of deferred prizes. Any earnings credited in excess of ~~this~~ the 33154
latter certified amount shall be transferred to the lottery 33155
profits education fund. 33156

To provide all or a part of the amounts necessary to fund 33157
deferred prizes awarded by the commission in connection with the 33158
statewide lottery, the treasurer of state, in consultation with 33159
the commission, may invest moneys contained in the deferred prizes 33160
trust fund which represents proceeds from the statewide lottery in 33161
obligations of the type permitted for the investment of state 33162
funds but whose maturities are thirty years or less. 33163
Notwithstanding the requirements of any other section of the 33164
Revised Code, to provide all or part of the amounts necessary to 33165
fund deferred prizes awarded by the commission in connection with 33166
statewide joint lottery games, the treasurer of state, in 33167
consultation with the commission, may invest moneys in the trust 33168
fund which represent proceeds derived from the statewide joint 33169
lottery games in accordance with the rules the commission adopts 33170
under division (B)(5) of section 3770.03 of the Revised Code. 33171
Investments of the trust fund are not subject to the provisions of 33172
division (A)(10) of section 135.143 of the Revised Code limiting 33173

to twenty-five per cent the amount of the state's total average 33174
portfolio that may be invested in debt interests and limiting to 33175
one-half of one per cent the amount that may be invested in debt 33176
interests of a single issuer. 33177

All purchases made under this division shall be effected on a 33178
delivery versus payment method and shall be in the custody of the 33179
treasurer of state. 33180

The treasurer of state may retain an investment advisor, if 33181
necessary. The commission shall pay any costs incurred by the 33182
treasurer of state in retaining an investment advisor. 33183

(D) The auditor of state shall conduct annual audits of all 33184
funds and any other audits as the auditor of state or the general 33185
assembly considers necessary. The auditor of state may examine all 33186
records, files, and other documents of the commission, and records 33187
of lottery sales agents that pertain to their activities as 33188
agents, for purposes of conducting authorized audits. 33189

The state lottery commission shall establish an internal 33190
audit program before the beginning of each fiscal year, subject to 33191
the approval of the auditor of state. At the end of each fiscal 33192
year, the commission shall prepare and submit an annual report to 33193
the auditor of state for the auditor of state's review and 33194
approval, specifying the internal audit work completed by the end 33195
of that fiscal year and reporting on compliance with the annual 33196
internal audit program. The form and content of the report shall 33197
be prescribed by the auditor of state under division (C) of 33198
section 117.20 of the Revised Code. 33199

(E) Whenever, in the judgment of the director of budget and 33200
management, an amount of net state lottery proceeds is necessary 33201
to be applied to the payment of debt service on obligations, all 33202
as defined in sections 151.01 and 151.03 of the Revised Code, the 33203
director shall transfer that amount directly from the state 33204

lottery fund or from the lottery profits education fund to the 33205
bond service fund defined in those sections. The provisions of 33206
this division are subject to any prior pledges or obligation of 33207
those amounts to the payment of bond service charges as defined in 33208
division (C) of section 3318.21 of the Revised Code, as referred 33209
to in division (B) of this section. 33210

Sec. 3905.36. (A) Except as provided in divisions (B) and (C) 33211
of this section, every insured association, company, corporation, 33212
or other person that enters, directly or indirectly, into any 33213
agreements with any insurance company, association, individual, 33214
firm, underwriter, or Lloyd's, not authorized to do business in 33215
this state, whereby the insured shall procure, continue, or renew 33216
contracts of insurance covering subjects of insurance resident, 33217
located, or to be performed within this state, with such 33218
unauthorized insurance company, association, individual, firm, 33219
underwriter, or Lloyd's, for which insurance there is a gross 33220
premium, membership fee, assessment, dues, or other consideration 33221
charged or collected, shall annually, on or before the 33222
thirty-first day of January, return to the superintendent of 33223
insurance a statement under oath showing the name and address of 33224
the insured, name and address of the insurer, subject of the 33225
insurance, general description of the coverage, and amount of 33226
gross premium, fee, assessment, dues, or other consideration for 33227
such insurance for the preceding twelve-month period and shall at 33228
the same time pay to the treasurer of state a tax of five per cent 33229
of such gross premium, fee, assessment, dues, or other 33230
consideration, after a deduction for return premium, if any, as 33231
calculated on a form prescribed by the treasurer of state. All 33232
taxes collected under this section by the treasurer of state shall 33233
be paid into the general revenue fund. If the tax is not paid when 33234
due, the tax shall be increased by a penalty of twenty-five per 33235
cent. An interest charge computed as set forth in section 5725.221 33236

of the Revised Code shall be made on the entire sum of the tax plus penalty, which interest shall be computed from the date the tax is due until it is paid. For purposes of this section, payment is considered made when it is received by the treasurer of state, irrespective of any United States postal service marking or other stamp or mark indicating the date on which the payment may have been mailed.

(B) This section does not apply to:

(1) Transactions in this state involving a policy solicited, written, and delivered outside this state covering only subjects of insurance not resident, located, or to be performed in this state at the time of issuance, provided such transactions are subsequent to the issuance of the policy;

(2) Attorneys-at-law acting on behalf of their clients in the adjustment of claims or losses;

(3) Transactions involving policies issued by a captive insurer. For this purpose, a "captive insurer" means any of the following:

(a) An insurer owned by one or more individuals or organizations, whose exclusive purpose is to insure risks of one or more of the parent organizations or individual owners and risks of one or more affiliates of the parent organizations or individual owners;

(b) In the case of groups and associations, insurers owned by the group or association whose exclusive purpose is to insure risks of members of the group or association and affiliates of the members;

(c) Other types of insurers, licensed and operated in accordance with the captive insurance laws of their jurisdictions of domicile and operated in a manner so as to self-insure risks of their owners and insureds.

(4) Professional or medical liability insurance procured by a hospital organized under Chapter 3701. of the Revised Code ~~or on behalf of an entity that manufactures, packages, and sells, as more than fifty per cent of the entity's business, pharmaceutical products for human use where the production, packaging, and sale of such products are subject to regulation by an agency of the United States;~~

(5) Insurance with an initial policy period of more than three years and that is procured to cover known events related to environmental remediation that occurred prior to the effective date of that insurance;

(6) Insurance procured on behalf of an entity that manufactures, packages, and sells, as more than fifty per cent of the entity's business, pharmaceutical products for human use where the production, packaging, and sale of such products are subject to regulation by an agency of the United States.

(C) In transactions that are subject to sections 3905.30 to 3905.35 of the Revised Code, each person licensed under section 3905.30 of the Revised Code shall pay to the treasurer of state, on or before the thirty-first day of January of each year, five per cent of the balance of the gross premiums charged for insurance placed or procured under the license after a deduction for return premiums, as reported on a form prescribed by the treasurer of state. The tax shall be collected from the insured by the surplus line broker who placed or procured the policy of insurance at the time the policy is delivered to the insured. No license issued under section 3905.30 of the Revised Code shall be renewed until payment is made. If the tax is not paid when due, the tax shall be increased by a penalty of twenty-five per cent. An interest charge computed as set forth in section 5725.221 of the Revised Code shall be made on the entire sum of the tax plus penalty, which interest shall be computed from the date the tax is

due until it is paid. For purposes of this section, payment is 33300
considered made when it is received by the treasurer of state, 33301
irrespective of any United States postal service marking or other 33302
stamp or mark indicating the date on which the payment may have 33303
been mailed. 33304

Sec. 3923.281. (A) As used in this section: 33305

(1) "Biologically based mental illness" means schizophrenia, 33306
schizoaffective disorder, major depressive disorder, bipolar 33307
disorder, paranoia and other psychotic disorders, 33308
obsessive-compulsive disorder, and panic disorder, as these terms 33309
are defined in the most recent edition of the diagnostic and 33310
statistical manual of mental disorders published by the American 33311
psychiatric association. 33312

(2) "Policy of sickness and accident insurance" has the same 33313
meaning as in section 3923.01 of the Revised Code, but excludes 33314
any hospital indemnity, medicare supplement, long-term care, 33315
disability income, one-time-limited-duration policy of not longer 33316
than six months, supplemental benefit, or other policy that 33317
provides coverage for specific diseases or accidents only; any 33318
policy that provides coverage for workers' compensation claims 33319
compensable pursuant to Chapters 4121. and 4123. of the Revised 33320
Code; and any policy that provides coverage to beneficiaries 33321
enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 33322
(1935), 42 U.S.C.A. 301, as amended, known as the medical 33323
assistance program or medicaid, as provided by the Ohio department 33324
of job and family services under Chapter 5111. of the Revised 33325
Code. 33326

(B) Notwithstanding section 3901.71 of the Revised Code, and 33327
subject to division (E) of this section, every ~~group~~ policy of 33328
sickness and accident insurance shall provide benefits for the 33329
diagnosis and treatment of biologically based mental illnesses on 33330

the same terms and conditions as, and shall provide benefits no less extensive than, those provided under the policy of sickness and accident insurance for the treatment and diagnosis of all other physical diseases and disorders, if both of the following apply:

(1) The biologically based mental illness is clinically diagnosed by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; a psychologist licensed under Chapter 4732. of the Revised Code; a professional clinical counselor, professional counselor, or independent social worker licensed under Chapter 4757. of the Revised Code; or a clinical nurse specialist licensed under Chapter 4723. of the Revised Code whose nursing specialty is mental health.

(2) The prescribed treatment is not experimental or investigational, having proven its clinical effectiveness in accordance with generally accepted medical standards.

(C) Division (B) of this section applies to all coverages and terms and conditions of the policy of sickness and accident insurance, including, but not limited to, coverage of inpatient hospital services, outpatient services, and medication; maximum lifetime benefits; copayments; and individual and family deductibles.

(D) Nothing in this section shall be construed as prohibiting a sickness and accident insurance company from taking any of the following actions:

(1) Negotiating separately with mental health care providers with regard to reimbursement rates and the delivery of health care services;

(2) Offering policies that provide benefits solely for the diagnosis and treatment of biologically based mental illnesses;

(3) Managing the provision of benefits for the diagnosis or 33362
treatment of biologically based mental illnesses through the use 33363
of pre-admission screening, by requiring beneficiaries to obtain 33364
authorization prior to treatment, or through the use of any other 33365
mechanism designed to limit coverage to that treatment determined 33366
to be necessary; 33367

(4) Enforcing the terms and conditions of a policy of 33368
sickness and accident insurance. 33369

(E) An insurer that offers ~~a group~~ any policy of sickness and 33370
accident insurance is not required to provide benefits for the 33371
diagnosis and treatment of biologically based mental illnesses 33372
pursuant to division (B) of this section if all of the following 33373
apply: 33374

(1) The insurer submits documentation certified by an 33375
independent member of the American academy of actuaries to the 33376
superintendent of insurance showing that incurred claims for 33377
diagnostic and treatment services for biologically based mental 33378
illnesses for a period of at least six months independently caused 33379
the insurer's costs for claims and administrative expenses for the 33380
coverage of all other physical diseases and disorders to increase 33381
by more than one per cent per year. 33382

(2) The insurer submits a signed letter from an independent 33383
member of the American academy of actuaries to the superintendent 33384
of insurance opining that the increase described in division 33385
(E)(1) of this section could reasonably justify an increase of 33386
more than one per cent in the annual premiums or rates charged by 33387
the insurer for the coverage of all other physical diseases and 33388
disorders. 33389

(3) The superintendent of insurance makes the following 33390
determinations from the documentation and opinion submitted 33391
pursuant to divisions (E)(1) and (2) of this section: 33392

(a) Incurred claims for diagnostic and treatment services for 33393
biologically based mental illnesses for a period of at least six 33394
months independently caused the insurer's costs for claims and 33395
administrative expenses for the coverage of all other physical 33396
diseases and disorders to increase by more than one per cent per 33397
year. 33398

(b) The increase in costs reasonably justifies an increase of 33399
more than one per cent in the annual premiums or rates charged by 33400
the insurer for the coverage of all other physical diseases and 33401
disorders. 33402

Any determination made by the superintendent under this 33403
division is subject to Chapter 119. of the Revised Code. 33404

Sec. 4141.09. (A) There is hereby created an unemployment 33405
compensation fund to be administered by the state without 33406
liability on the part of the state beyond the amounts paid into 33407
the fund and earned by the fund. The unemployment compensation 33408
fund shall consist of all contributions, payments in lieu of 33409
contributions described in sections 4141.241 and 4141.242 of the 33410
Revised Code, reimbursements of the federal share of extended 33411
benefits described in section 4141.301 of the Revised Code, 33412
collected under sections 4141.01 to 4141.46 of the Revised Code, 33413
together with all interest earned upon any moneys deposited with 33414
the secretary of the treasury of the United States to the credit 33415
of the account of this state in the unemployment trust fund 33416
established and maintained pursuant to section 904 of the "Social 33417
Security Act," any property or securities acquired through the use 33418
of moneys belonging to the fund, and all earnings of such property 33419
or securities. The unemployment compensation fund shall be used to 33420
pay benefits and refunds as provided by such sections and for no 33421
other purpose. 33422

(B) The treasurer of state shall be the custodian of the 33423

unemployment compensation fund and shall administer such fund in 33424
accordance with the directions of the director of job and family 33425
services. All disbursements therefrom shall be paid by the 33426
treasurer of state on warrants drawn by the director. Such 33427
warrants may bear the facsimile signature of the director printed 33428
thereon and that of a deputy or other employee of the director 33429
charged with the duty of keeping the account of the unemployment 33430
compensation fund and with the preparation of warrants for the 33431
payment of benefits to the persons entitled thereto. Moneys in the 33432
clearing and benefit accounts shall not be commingled with other 33433
state funds, except as provided in division (C) of this section, 33434
but shall be maintained in separate accounts on the books of the 33435
depository bank. Such money shall be secured by the depository 33436
bank to the same extent and in the same manner as required by 33437
sections 135.01 to 135.21 of the Revised Code; and collateral 33438
pledged for this purpose shall be kept separate and distinct from 33439
any collateral pledged to secure other funds of this state. All 33440
sums recovered for losses sustained by the unemployment 33441
compensation fund shall be deposited therein. The treasurer of 33442
state shall be liable on the treasurer's official bond for the 33443
faithful performance of the treasurer's duties in connection with 33444
the unemployment compensation fund, such liability to exist in 33445
addition to any liability upon any separate bond. 33446

(C) The treasurer of state shall maintain within the 33447
unemployment compensation fund three separate accounts which shall 33448
be a clearing account, ~~an unemployment~~ a trust fund account, and a 33449
benefit account. All moneys payable to the unemployment 33450
compensation fund, upon receipt ~~thereof~~ by the director, shall be 33451
forwarded to the treasurer of state, who shall immediately deposit 33452
them in the clearing account. Refunds of contributions, or 33453
payments in lieu of contributions, payable pursuant to division 33454
(E) of this section may be paid from the clearing account upon 33455
warrants signed by a deputy or other employee of the director 33456

charged with the duty of keeping the record of the clearing 33457
account and with the preparation of warrants for the payment of 33458
refunds to persons entitled thereto. After clearance thereof, all 33459
moneys in the clearing account shall be deposited with the 33460
secretary of the treasury of the United States to the credit of 33461
the account of this state in the unemployment trust fund 33462
established and maintained pursuant to section 904 of the "Social 33463
Security Act," in accordance with requirements of the "Federal 33464
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 33465
3304(a)(3), any law in this state relating to the deposit, 33466
administration, release, or disbursement of moneys in the 33467
possession or custody of this state to the contrary 33468
notwithstanding. The benefit account shall consist of all moneys 33469
requisitioned from this state's account in the unemployment trust 33470
fund. Federal funds, ~~other than funds received by the director~~ 33471
~~under divisions (I) and (J) of this section, received for payment~~ 33472
~~of federal benefits~~ may be deposited, at the director's 33473
discretion, into the benefit account. Any funds deposited into the 33474
benefit account shall be disbursed solely for payment of benefits 33475
under a federal program administered by this state. ~~Moneys so~~ 33476
~~requisitioned shall be used solely for the payment of benefits~~ and 33477
for no other purpose. Moneys in the clearing and benefit accounts 33478
may be deposited by the treasurer of state, under the direction of 33479
the director, in any bank or public depository in which general 33480
funds of the state may be deposited, but no public deposit 33481
insurance charge or premium shall be paid out of the fund. 33482

(D) Moneys shall be requisitioned from this state's account 33483
in the unemployment trust fund solely for the payment of benefits 33484
and in accordance with regulations prescribed by the director. The 33485
director shall requisition from the unemployment trust fund such 33486
amounts, not exceeding the amount standing to this state's account 33487
therein, as are deemed necessary for the payment of benefits for a 33488
reasonable future period. Upon receipt thereof, the treasurer of 33489

state shall deposit such moneys in the benefit account. 33490
Expenditures of such money in the benefit account and refunds from 33491
the clearing account shall not require specific appropriations or 33492
other formal release by state officers of money in their custody. 33493
Any balance of moneys requisitioned from the unemployment trust 33494
fund which remains unclaimed or unpaid in the benefit account 33495
after the expiration of the period for which such sums were 33496
requisitioned shall either be deducted from estimates for and may 33497
be utilized for the payment of benefits during succeeding periods, 33498
or, in the discretion of the director, shall be redeposited with 33499
the secretary of the treasury of the United States to the credit 33500
of this state's account in the unemployment trust fund, as 33501
provided in division (C) of this section. Unclaimed or unpaid 33502
federal funds redeposited with the secretary of the treasury of 33503
the United States shall be credited to the appropriate federal 33504
account. 33505

(E) No claim for an adjustment or a refund on contribution, 33506
payment in lieu of contributions, interest, or forfeiture alleged 33507
to have been erroneously or illegally assessed or collected, or 33508
alleged to have been collected without authority, and no claim for 33509
an adjustment or a refund of any sum alleged to have been 33510
excessive or in any manner wrongfully collected shall be allowed 33511
unless an application, in writing, therefor is made within four 33512
years from the date on which such payment was made. If the 33513
director determines that such contribution, payment in lieu of 33514
contributions, interest, or forfeiture, or any portion thereof, 33515
was erroneously collected, the director shall allow such employer 33516
to make an adjustment thereof without interest in connection with 33517
subsequent contribution payments, or payments in lieu of 33518
contributions, by the employer, or the director may refund said 33519
amount, without interest, from the clearing account of the 33520
unemployment compensation fund, except as provided in division (B) 33521
of section 4141.11 of the Revised Code. For like cause and within 33522

the same period, adjustment or refund may be so made on the 33523
director's own initiative. An overpayment of contribution, payment 33524
in lieu of contributions, interest, or forfeiture for which an 33525
employer has not made application for refund prior to the date of 33526
sale of the employer's business shall accrue to the employer's 33527
successor in interest. 33528

An application for an adjustment or a refund, or any portion 33529
thereof, that is rejected is binding upon the employer unless, 33530
within thirty days after the mailing of a written notice of 33531
rejection to the employer's last known address, or, in the absence 33532
of mailing of such notice, within thirty days after the delivery 33533
of such notice, the employer files an application for a review and 33534
redetermination setting forth the reasons therefor. The director 33535
shall promptly examine the application for review and 33536
redetermination, and if a review is granted, the employer shall be 33537
promptly notified thereof, and shall be granted an opportunity for 33538
a prompt hearing. 33539

(F) If the director finds that contributions have been paid 33540
to the director in error, and that such contributions should have 33541
been paid to a department of another state or of the United States 33542
charged with the administration of an unemployment compensation 33543
law, the director may upon request by such department or upon the 33544
director's own initiative transfer to such department the amount 33545
of such contributions, less any benefits paid to claimants whose 33546
wages were the basis for such contributions. The director may 33547
request and receive from such department any contributions or 33548
adjusted contributions paid in error to such department which 33549
should have been paid to the director. 33550

(G) In accordance with section 303(c)(3) of the Social 33551
Security Act, and section 3304(a)(17) of the Internal Revenue Code 33552
of 1954 for continuing certification of Ohio unemployment 33553
compensation laws for administrative grants and for tax credits, 33554

any interest required to be paid on advances under Title XII of 33555
the Social Security Act shall be paid in a timely manner and shall 33556
not be paid, directly or indirectly, by an equivalent reduction in 33557
the Ohio unemployment taxes or otherwise, by the state from 33558
amounts in the unemployment compensation fund. 33559

(H) The treasurer of state, under the direction of the 33560
director and in accordance with the "Cash Management Improvement 33561
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 33562
amounts of interest earned by the state on funds in the benefit 33563
account established pursuant to division (C) of this section into 33564
the department of job and family services banking fees fund, which 33565
is hereby created in the state treasury for the purpose of paying 33566
related banking costs incurred by the state for the period for 33567
which the interest is calculated, except that if the deposited 33568
interest exceeds the banking costs incurred by the state for the 33569
period for which the interest is calculated, the treasurer of 33570
state shall deposit the excess interest into the unemployment 33571
trust fund. 33572

~~(I) The treasurer of state, under the direction of the 33573
director, shall deposit federal funds received by the director for 33574
the payment of benefits, job search, relocation, transportation, 33575
and subsistence allowances pursuant to the "Trade Act of 1974," 88 33576
Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American Free 33577
Trade Implementation Act of 1993," 107 Stat. 2057, 19 U.S.C.A. 33578
3301, as amended; and the "Trade Act of 2002," 116 Stat. 993, 19 33579
U.S.C.A. 3801, as amended, into the Trade Act benefit account, 33580
which is hereby created for the purpose of making payments 33581
specified under those acts. 33582~~

~~(J) The treasurer of state, under the direction of the 33583
director, shall deposit federal funds received by the director for 33584
training and administration and for payment of benefits, job 33585
search, relocation, transportation, and subsistence allowances 33586~~

pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 33587
2101, as amended; the "North American Free Trade Agreement 33588
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 33589
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 33590
3801, as amended, into the Trade Act training and administration 33591
account, which is hereby created for the purpose of making 33592
payments specified under those acts. The treasurer of state, under 33593
the direction of the director, may transfer funds from the Trade 33594
Act training and administration account to the benefit account for 33595
the purpose of making any payments directly to claimants for 33596
benefits, job search, relocation, transportation, and subsistence 33597
allowances, as specified by those acts. 33598

Sec. 4301.20. This chapter and Chapter 4303. of the Revised 33599
Code do not prevent the following: 33600

(A) The storage of intoxicating liquor in bonded warehouses, 33601
established in accordance with the acts of congress and under the 33602
regulation of the United States, located in this state, or the 33603
transportation of intoxicating liquor to or from bonded warehouses 33604
of the United States wherever located; 33605

(B) A bona fide resident of this state who is the owner of a 33606
warehouse receipt from obtaining or transporting to the resident's 33607
residence for the resident's own consumption and not for resale 33608
spirituous liquor stored in a government bonded warehouse in this 33609
state or in another state prior to December 1933, subject to such 33610
terms as are prescribed by the division of liquor control; 33611

(C) The manufacture of cider from fruit for the purpose of 33612
making vinegar, and nonintoxicating cider and fruit juices for use 33613
and sale; 33614

(D) A licensed physician or dentist from administering or 33615
dispensing intoxicating liquor or alcohol to a patient in good 33616
faith in the actual course of the practice of the physician's or 33617

dentist's profession;	33618
(E) The sale of alcohol to physicians, dentists, druggists,	33619
veterinary surgeons, manufacturers, hospitals, infirmaries, or	33620
medical or educational institutions using the alcohol for	33621
medicinal, mechanical, chemical, or scientific purposes;	33622
(F) The sale, gift, or keeping for sale by druggists and	33623
others of any of the medicinal preparations manufactured in	33624
accordance with the formulas prescribed by the United States	33625
Pharmacopoeia and National Formulary, patent or proprietary	33626
preparations, and other bona fide medicinal and technical	33627
preparations, which contain no more alcohol than is necessary to	33628
hold the medicinal agents in solution and to preserve the same,	33629
which are manufactured and sold as medicine and not as beverages,	33630
are unfit for use for beverage purposes, and the sale of which	33631
does not require the payment of a United States liquor dealer's	33632
tax;	33633
(G) The manufacture and sale of tinctures or of toilet,	33634
medicinal, and antiseptic preparations and solutions not intended	33635
for internal human use nor to be sold as beverages, and which are	33636
unfit for beverage purposes, if upon the outside of each bottle,	33637
box, or package of which there is printed in the English language,	33638
conspicuously and legibly, the quantity by volume of alcohol in	33639
the preparation or solution;	33640
(H) The manufacture and keeping for sale of the food products	33641
known as flavoring extracts when manufactured and sold for	33642
cooking, culinary, or flavoring purposes, and which are unfit for	33643
use for beverage purposes;	33644
(I) The lawful sale of wood alcohol or of ethyl alcohol for	33645
external use when combined with other substances as to make it	33646
unfit for internal use;	33647
(J) <u>The manufacture, sale, and transport of ethanol or ethyl</u>	33648

alcohol for use as fuel. As used in this division, "ethanol" has 33649
the same meaning as in section 5733.46 of the Revised Code. 33650

(K) The purchase and importation into this state of 33651
intoxicating liquor for use in manufacturing processes of 33652
nonbeverage food products under terms prescribed by the division, 33653
provided that the terms prescribed by the division shall not 33654
increase the cost of the intoxicating liquor to any person, firm, 33655
or corporation purchasing and importing it into this state for 33656
that use; 33657

~~(K)~~(L) Any resident of this state or any member of the armed 33658
forces of the United States, who has attained the age of 33659
twenty-one years, from bringing into this state, for personal use 33660
and not for resale, not more than one liter of spirituous liquor 33661
in any thirty-day period, and the same is free of any tax consent 33662
fee when the resident or member of the armed forces physically 33663
possesses and accompanies the spirituous liquor on returning from 33664
a foreign country, another state, or an insular possession of the 33665
United States; 33666

~~(L)~~(M) Persons, at least twenty-one years of age, who collect 33667
ceramic commemorative bottles containing spirituous liquor ~~which~~ 33668
that have unbroken federal tax stamps on them from selling or 33669
trading the bottles to other collectors. The bottles ~~must~~ shall 33670
originally have been purchased at retail from the division, 33671
legally imported under division ~~(K)~~(L) of this section, or legally 33672
imported pursuant to a supplier registration issued by the 33673
division. The sales shall be for the purpose of exchanging a 33674
ceramic commemorative bottle between private collectors and shall 33675
not be for the purpose of selling the spirituous liquor for 33676
personal consumption. The sale or exchange authorized by this 33677
division shall not occur on the premises of any permit holder, 33678
shall not be made in connection with the business of any permit 33679
holder, and shall not be made in connection with any mercantile 33680

business. 33681

Sec. 4301.24. Except as provided in section 4301.242 of the 33682
Revised Code, no manufacturer shall aid or assist the holder of 33683
any permit for sale at wholesale, and no manufacturer or wholesale 33684
distributor shall aid or assist the holder of any permit for sale 33685
at retail, by gift or loan of any money or property of any 33686
description or other valuable thing, or by giving premiums or 33687
rebates. Except as provided in section 4301.242 of the Revised 33688
Code, no holder of any such permit shall accept the same, provided 33689
that the manufacturer or wholesale distributor may furnish to a 33690
retail permittee the inside signs or advertising and the tap signs 33691
or devices authorized by divisions (E) and (F) of section 4301.22 33692
of the Revised Code. 33693

No manufacturer shall have any financial interest, directly 33694
or indirectly, by stock ownership, or through interlocking 33695
directors in a corporation, or otherwise, in the establishment, 33696
maintenance, or promotion in the business of any wholesale 33697
distributor. No retail permit holder shall have any interest, 33698
directly or indirectly, in the operation of, or any ownership in, 33699
the business of any wholesale distributor or manufacturer. 33700

No manufacturer shall, except as authorized by section 33701
4303.021 of the Revised Code, have any financial interest, 33702
directly or indirectly, by stock ownership, or through 33703
interlocking directors in a corporation, or otherwise, in the 33704
establishment, maintenance, or promotion of the business of any 33705
retail dealer. No wholesale distributor or employee of a wholesale 33706
distributor shall have any financial interest, directly or 33707
indirectly, by stock ownership, interlocking directors in a 33708
corporation, or otherwise, in the establishment, maintenance, or 33709
promotion of the business of any retail dealer. No manufacturer or 33710
wholesale distributor or any stockholder of a manufacturer or 33711

wholesale distributor shall acquire, by ownership in fee, 33712
leasehold, mortgage, or otherwise, directly or indirectly, any 33713
interest in the premises on which the business of any other person 33714
engaged in the business of trafficking in beer or intoxicating 33715
liquor is conducted. All contracts, covenants, conditions, and 33716
limitations whereby any person engaged or proposing to engage in 33717
the sale of beer or intoxicating liquors promises to confine the 33718
person's sales of a particular kind or quality of beer or 33719
intoxicating liquor to one or more products, or the products of a 33720
specified manufacturer or wholesale distributor, or to give 33721
preference to those products, shall to the extent of that promise 33722
be void. The making of a promise in any such form shall be cause 33723
for the revocation or suspension of any permit issued to any 33724
party. This section does not prevent the holder of an A permit 33725
from securing and holding a wholesale distributor's permit or 33726
permits and operating as a wholesale distributor. 33727

No manufacturer shall sell or offer to sell to any wholesale 33728
distributor or retail permit holder, no wholesale distributor 33729
shall sell or offer to sell to any retail permit holder, and no 33730
wholesale distributor or retail permit holder shall purchase or 33731
receive from any manufacturer or wholesale distributor, any beer, 33732
brewed beverages, or wine manufactured in the United States except 33733
for cash. No right of action shall exist to collect any claims for 33734
credit extended contrary to this section. This section does not 33735
prohibit a licensee from crediting to a purchaser the actual 33736
prices charged for packages or containers returned by the original 33737
purchaser as a credit on any sale or from refunding to any 33738
purchaser the amount paid by that purchaser for containers or as a 33739
deposit on containers when title is retained by the vendor, if 33740
those containers or packages have been returned to the 33741
manufacturer or distributor. This section does not prohibit a 33742
manufacturer from extending usual and customary credit for beer, 33743
brewed beverages, or wine manufactured in the United States and 33744

sold to customers who live or maintain places of business outside 33745
this state when the beverages so sold are actually transported and 33746
delivered to points outside this state. No wholesale or retail 33747
permit shall be issued to an applicant unless the applicant has 33748
paid in full all accounts for beer or wine, manufactured in the 33749
United States, outstanding as of September 6, 1939. No beer or 33750
wine manufactured in the United States shall be imported into the 33751
state unless the beer or wine has been paid for in cash, and no 33752
supplier registration for any such beer or wine manufactured in 33753
the United States shall be issued by the division of liquor 33754
control until the A-2, B-1, or B-5 permit holder establishes to 33755
the satisfaction of the division that the beer or wine has been 33756
paid for in cash. 33757

This section does not prevent a manufacturer from securing 33758
and holding any financial interest, directly or indirectly, by 33759
stock ownership or through interlocking directors in a 33760
corporation, or otherwise, in the establishment, maintenance, or 33761
promotion of the business or premises of any C or D permit holder, 33762
provided that the following conditions are met: 33763

(A) Either the manufacturer or one of its parent companies is 33764
listed on a national securities exchange. 33765

(B) All purchases of alcoholic beverages by the C or D permit 33766
holder are made from wholesale distributors in this state or 33767
agency stores licensed by the division of liquor control. 33768

(C) If the C or D permit holder sells brands of alcoholic 33769
beverages that are produced or distributed by the manufacturer 33770
that holds the financial interest, the C or D permit holder also 33771
sells other competing brands of alcoholic beverages produced by 33772
other manufacturers, no preference is given to the products of the 33773
manufacturer, and there is no exclusion, in whole or in part, of 33774
products sold or offered for sale by other manufacturers, 33775
suppliers, or importers of alcoholic beverages that constitutes a 33776

substantial impairment of commerce. 33777

(D) The primary purpose of the C or D permit premises is a 33778
purpose other than to sell alcoholic beverages, and the sale of 33779
other goods and services exceeds fifty per cent of the total gross 33780
receipts of the C or D permit holder at its premises. 33781

This section does not prevent a manufacturer from giving 33782
financial assistance to the holder of a B permit for the purpose 33783
of the holder purchasing an ownership interest in the business, 33784
existing inventory and equipment, or property of another B permit 33785
holder, including, but not limited to, participation in a limited 33786
liability partnership, limited liability company, or any other 33787
legal entity authorized to do business in this state. This section 33788
does not permit a manufacturer to give financial assistance to the 33789
holder of a B permit to purchase inventory or equipment used in 33790
the daily operation of a B permit holder. 33791

This section does not prevent a manufacturer from securing 33792
and holding a B-2a permit or permits and operating as a wholesale 33793
distributor. 33794

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 33795
the Revised Code: 33796

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 33797
fluid ounces. 33798

(2) "Sale" or "sell" includes exchange, barter, gift, 33799
distribution, and, except with respect to A-4 permit holders, 33800
offer for sale. 33801

(B) For the purposes of providing revenues for the support of 33802
the state and encouraging the grape industries in the state, a tax 33803
is hereby levied on the sale or distribution of wine in Ohio, 33804
except for known sacramental purposes, at the rate of thirty cents 33805
per wine gallon for wine containing not less than four per cent of 33806

alcohol by volume and not more than fourteen per cent of alcohol 33807
by volume, ninety-eight cents per wine gallon for wine containing 33808
more than fourteen per cent but not more than twenty-one per cent 33809
of alcohol by volume, one dollar and eight cents per wine gallon 33810
for vermouth, and one dollar and forty-eight cents per wine gallon 33811
for sparkling and carbonated wine and champagne, the tax to be 33812
paid by the holders of A-2 and B-5 permits or by any other person 33813
selling or distributing wine upon which no tax has been paid. From 33814
the tax paid under this section on wine, vermouth, and sparkling 33815
and carbonated wine and champagne, the treasurer of state shall 33816
credit to the Ohio grape industries fund created under section 33817
924.54 of the Revised Code a sum equal to one cent per gallon for 33818
each gallon upon which the tax is paid. 33819

(C) For the purpose of providing revenues for the support of 33820
the state, there is hereby levied a tax on prepared and bottled 33821
highballs, cocktails, cordials, and other mixed beverages at the 33822
rate of one dollar and twenty cents per wine gallon to be paid by 33823
holders of A-4 permits or by any other person selling or 33824
distributing those products upon which no tax has been paid. Only 33825
one sale of the same article shall be used in computing the amount 33826
of tax due. The tax on mixed beverages to be paid by holders of 33827
A-4 permits under this section shall not attach until the 33828
ownership of the mixed beverage is transferred for valuable 33829
consideration to a wholesaler or retailer, and no payment of the 33830
tax shall be required prior to that time. 33831

(D) During the period of July 1, ~~2005~~ 2007, through June 30, 33832
~~2007~~ 2009, from the tax paid under this section on wine, vermouth, 33833
and sparkling and carbonated wine and champagne, the treasurer of 33834
state shall credit to the Ohio grape industries fund created under 33835
section 924.54 of the Revised Code a sum equal to two cents per 33836
gallon upon which the tax is paid. The amount credited under this 33837
division is in addition to the amount credited to the Ohio grape 33838

industries fund under division (B) of this section. 33839

(E) For the purpose of providing revenues for the support of 33840
the state, there is hereby levied a tax on cider at the rate of 33841
twenty-four cents per wine gallon to be paid by the holders of A-2 33842
and B-5 permits or by any other person selling or distributing 33843
cider upon which no tax has been paid. Only one sale of the same 33844
article shall be used in computing the amount of the tax due. 33845

Sec. 4303.03. Permit A-2 may be issued to a manufacturer to 33846
manufacture wine from grapes or other fruits; to import and 33847
purchase wine in bond for blending purposes, the total amount of 33848
wine so imported during the year covered by the permit not to 33849
exceed forty per cent of all the wine manufactured and imported; 33850
to manufacture, purchase, and import brandy for fortifying 33851
purposes; and to sell those products either in glass or container 33852
for consumption on the premises where manufactured, ~~for home use,~~ 33853
in sealed containers for consumption off the premises where 33854
manufactured, and to ~~retail and~~ wholesale permit holders under the 33855
rules adopted by the division of liquor control. 33856

The fee for this permit is ~~one hundred twenty six~~ seventy-six 33857
dollars for each plant to which this permit is issued. 33858

Sec. 4303.071. (A)(1) Except as otherwise provided in 33859
division (A)(2) of this section, permit B-2a may be issued to a 33860
person that manufactures wine, is the brand owner or United States 33861
importer of wine, or is the designated agent of a brand owner or 33862
importer for all wine sold in this state for that owner or 33863
importer. If the person resides outside this state, the person 33864
shall comply with the requirements governing the issuance of 33865
licenses or permits that authorize the sale of intoxicating liquor 33866
by the appropriate authority of the state in which the person 33867
resides or by the tax and trade bureau in the United States 33868

department of the treasury. 33869

(2) A B-2a permit shall not be issued to a manufacturer of wine that is not entitled to a tax credit under 27 C.F.R. 24.278 and that produces one hundred fifty thousand gallons or more of wine per year. 33870
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(3) The fee for the B-2a permit is twenty-five dollars. 33874

(4) The holder of a B-2a permit may sell wine to a retail permit holder, but a B-2a permit holder who is a wine manufacturer may sell to a retail permit holder only wine that the B-2a permit holder has manufactured. 33875
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(5) The holder of a B-2a permit shall renew the permit in accordance with section 4303.271 of the Revised Code, except that renewal shall not be subject to the notice and hearing requirements established in division (B) of that section. 33879
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(B) The holder of a B-2a permit shall collect and pay all applicable taxes relating to the delivery of a wine to a retailer including, but not limited to, taxes levied under section 4301.43 and Chapters 5739. and 5741. of the Revised Code. 33883
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(C) The holder of a B-2a permit shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code. 33887
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Sec. 4303.232. (A)(1) Except as provided in division (A)(2) of this section, permit S may be issued to a person that manufactures wine, is the brand owner or United States importer of wine, or is the designated agent of a brand owner or importer for all wine sold in this state for that owner or importer. If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of intoxicating liquor by the appropriate 33891
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authority of the state in which the person resides or by the tax and trade bureau of the United States department of the treasury. 33899
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(2) An S permit shall not be issued to a manufacturer of wine that is not entitled to a tax credit under 27 C.F.R. 24.278 and that produces one hundred fifty thousand gallons or more of wine per year. 33901
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(3) The fee for the S permit is twenty-five dollars. 33905

(4) The holder of an S permit may sell wine to a personal consumer by receiving and filling orders that the personal consumer submits to the permit holder. The permit holder shall sell only wine that the permit holder has manufactured to a personal consumer. 33906
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(5) The holder of an S permit shall renew the permit in accordance with section 4303.271 of the Revised Code, except that the renewal shall not be subject to the notice and hearing requirements established in division (B) of that section. 33911
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(6) The division of liquor control may refuse to renew an S permit for any of the reasons specified in section 4303.292 of the Revised Code or if the holder of the permit fails to do any of the following: 33915
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(a) Collect and pay all applicable taxes specified in division (B) of this section; 33919
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(b) Pay the permit fee; 33921

(c) Comply with this section or any rules adopted by the liquor control commission under section 4301.03 of the Revised Code. 33922
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(B) The holder of an S permit shall collect and pay all applicable taxes relating to the delivery of wine to a personal consumer, including, but not limited to, taxes levied under section 4301.43 and Chapters 5739. and 5741. of the Revised Code. 33925
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(C)(1) The holder of an S permit shall send a shipment of wine that has been paid for by a personal consumer to that personal consumer via the holder of an H permit. Prior to sending a shipment of wine to a personal consumer, the holder of an S permit, or an employee of the permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age. The shipment of wine shall be shipped in a package that clearly has written on it in bold print the words "alcohol enclosed." No person shall fail to comply with division (C)(1) of this section. 33929
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(2) Upon delivering a shipment of wine to a personal consumer, the holder of the H permit, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code. 33939
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(3) The holder of an S permit shall keep a record of each shipment of wine that the permit holder sends to a personal consumer. The records shall be used for all of the following: 33945
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(a) To provide a copy of each wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased wine from the S permit holder in accordance with this section and any other information required by the tax commissioner. 33948
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(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased wine from the S permit holder in accordance with this section, the quantity of wine purchased by each personal consumer, and any other information requested by the division. The division shall prescribe and provide an electronic form for the report and shall 33954
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determine the specific electronic means that the S permit holder 33961
must use to submit the report. 33962

(c) To notify a personal consumer of any health or welfare 33963
recalls of the wine that has been purchased by the personal 33964
consumer. 33965

(D) As used in this section, "personal consumer" means an 33966
individual who is at least twenty-one years of age, is a resident 33967
of this state, does not hold a permit issued under this chapter, 33968
and intends to use wine purchased in accordance with this section 33969
for personal consumption only and not for resale or other 33970
commercial purposes. 33971

Sec. 4303.233. No family household shall purchase more than 33972
twenty-four cases of nine-liter bottles of wine in one year. 33973

Sec. 4503.06. (A) The owner of each manufactured or mobile 33974
home that has acquired situs in this state shall pay either a real 33975
property tax pursuant to Title LVII of the Revised Code or a 33976
manufactured home tax pursuant to division (C) of this section. 33977

(B) The owner of a manufactured or mobile home shall pay real 33978
property taxes if either of the following applies: 33979

(1) The manufactured or mobile home acquired situs in the 33980
state or ownership in the home was transferred on or after January 33981
1, 2000, and all of the following apply: 33982

(a) The home is affixed to a permanent foundation as defined 33983
in division (C)(5) of section 3781.06 of the Revised Code. 33984

(b) The home is located on land that is owned by the owner of 33985
the home. 33986

(c) The certificate of title has been inactivated by the 33987
clerk of the court of common pleas that issued it, pursuant to 33988
division (H) of section 4505.11 of the Revised Code. 33989

(2) The manufactured or mobile home acquired situs in the state or ownership in the home was transferred before January 1, 2000, and all of the following apply:

(a) The home is affixed to a permanent foundation as defined in division (C)(5) of section 3781.06 of the Revised Code.

(b) The home is located on land that is owned by the owner of the home.

(c) The owner of the home has elected to have the home taxed as real property and, pursuant to section 4505.11 of the Revised Code, has surrendered the certificate of title to the auditor of the county containing the taxing district in which the home has its situs, together with proof that all taxes have been paid.

(d) The county auditor has placed the home on the real property tax list and delivered the certificate of title to the clerk of the court of common pleas that issued it and the clerk has inactivated the certificate.

(C)(1) Any mobile or manufactured home that is not taxed as real property as provided in division (B) of this section is subject to an annual manufactured home tax, payable by the owner, for locating the home in this state. The tax as levied in this section is for the purpose of supplementing the general revenue funds of the local subdivisions in which the home has its situs pursuant to this section.

(2) The year for which the manufactured home tax is levied commences on the first day of January and ends on the following thirty-first day of December. The state shall have the first lien on any manufactured or mobile home on the list for the amount of taxes, penalties, and interest charged against the owner of the home under this section. The lien of the state for the tax for a year shall attach on the first day of January to a home that has acquired situs on that date. The lien for a home that has not

acquired situs on the first day of January, but that acquires 34021
situs during the year, shall attach on the next first day of 34022
January. The lien shall continue until the tax, including any 34023
penalty or interest, is paid. 34024

(3)(a) The situs of a manufactured or mobile home located in 34025
this state on the first day of January is the local taxing 34026
district in which the home is located on that date. 34027

(b) The situs of a manufactured or mobile home not located in 34028
this state on the first day of January, but located in this state 34029
subsequent to that date, is the local taxing district in which the 34030
home is located thirty days after it is acquired or first enters 34031
this state. 34032

(4) The tax is collected by and paid to the county treasurer 34033
of the county containing the taxing district in which the home has 34034
its situs. 34035

(D) The manufactured home tax shall be computed and assessed 34036
by the county auditor of the county containing the taxing district 34037
in which the home has its situs as follows: 34038

(1) On a home that acquired situs in this state prior to 34039
January 1, 2000: 34040

(a) By multiplying the assessable value of the home by the 34041
tax rate of the taxing district in which the home has its situs, 34042
and deducting from the product thus obtained any reduction 34043
authorized under section 4503.065 of the Revised Code. The tax 34044
levied under this formula shall not be less than thirty-six 34045
dollars, unless the home qualifies for a reduction in assessable 34046
value under section 4503.065 of the Revised Code, in which case 34047
there shall be no minimum tax and the tax shall be the amount 34048
calculated under this division. 34049

(b) The assessable value of the home shall be forty per cent 34050
of the amount arrived at by the following computation: 34051

(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			34052
in which the			34053
home is owned by the			34054
current owner	x	80%	34055
2nd calendar year	x	75%	34056
3rd "	x	70%	34057
4th "	x	65%	34058
5th "	x	60%	34059
6th "	x	55%	34060
7th "	x	50%	34061
8th "	x	45%	34062
9th "	x	40%	34063
10th and each year thereafter	x	35%	34064

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year.

(ii) If the cost to the owner, or market value at the time of purchase, whichever is greater, of the home does not include the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

For the first calendar year			34069
in which the			34070
home is owned by the			34071
current owner	x	95%	34072
2nd calendar year	x	90%	34073
3rd "	x	85%	34074
4th "	x	80%	34075
5th "	x	75%	34076

6th "	x	70%	34084
7th "	x	65%	34085
8th "	x	60%	34086
9th "	x	55%	34087
10th and each year thereafter	x	50%	34088

The first calendar year means any period between the first 34089
day of January and the thirty-first day of December of the first 34090
year. 34091

(2) On a home in which ownership was transferred or that 34092
first acquired situs in this state on or after January 1, 2000: 34093

(a) By multiplying the assessable value of the home by the 34094
effective tax rate, as defined in section 323.08 of the Revised 34095
Code, for residential real property of the taxing district in 34096
which the home has its situs, and deducting from the product thus 34097
obtained the reductions required or authorized under section 34098
319.302, division (B) of section 323.152, or section 4503.065 of 34099
the Revised Code. 34100

(b) The assessable value of the home shall be thirty-five per 34101
cent of its true value as determined under division (L) of this 34102
section. 34103

(3) On or before the fifteenth day of January each year, the 34104
county auditor shall record the assessable value and the amount of 34105
tax on the manufactured or mobile home on the tax list and deliver 34106
a duplicate of the list to the county treasurer. In the case of an 34107
emergency as defined in section 323.17 of the Revised Code, the 34108
tax commissioner, by journal entry, may extend the times for 34109
delivery of the duplicate for an additional fifteen days upon 34110
receiving a written application from the county auditor regarding 34111
an extension for the delivery of the duplicate, or from the county 34112
treasurer regarding an extension of the time for the billing and 34113
collection of taxes. The application shall contain a statement 34114
describing the emergency that will cause the unavoidable delay and 34115

must be received by the tax commissioner on or before the last day 34116
of the month preceding the day delivery of the duplicate is 34117
otherwise required. When an extension is granted for delivery of 34118
the duplicate, the time period for payment of taxes shall be 34119
extended for a like period of time. When a delay in the closing of 34120
a tax collection period becomes unavoidable, the tax commissioner, 34121
upon application by the county auditor and county treasurer, may 34122
order the time for payment of taxes to be extended if the tax 34123
commissioner determines that penalties have accrued or would 34124
otherwise accrue for reasons beyond the control of the taxpayers 34125
of the county. The order shall prescribe the final extended date 34126
for payment of taxes for that collection period. 34127

(4) After January 1, 1999, the owner of a manufactured or 34128
mobile home taxed pursuant to division (D)(1) of this section may 34129
elect to have the home taxed pursuant to division (D)(2) of this 34130
section by filing a written request with the county auditor of the 34131
taxing district in which the home is located on or before the 34132
first day of December of any year. Upon the filing of the request, 34133
the county auditor shall determine whether all taxes levied under 34134
division (D)(1) of this section have been paid, and if those taxes 34135
have been paid, the county auditor shall tax the manufactured or 34136
mobile home pursuant to division (D)(2) of this section commencing 34137
in the next tax year. 34138

(5) A manufactured or mobile home that acquired situs in this 34139
state prior to January 1, 2000, shall be taxed pursuant to 34140
division (D)(2) of this section if no manufactured home tax had 34141
been paid for the home and the home was not exempted from taxation 34142
pursuant to division (E) of this section for the year for which 34143
the taxes were not paid. 34144

(6)(a) Immediately upon receipt of any manufactured home tax 34145
duplicate from the county auditor, but not less than twenty days 34146
prior to the last date on which the first one-half taxes may be 34147

paid without penalty as prescribed in division (F) of this 34148
section, the county treasurer shall cause to be prepared and 34149
mailed or delivered to each person charged on that duplicate with 34150
taxes, or to an agent designated by such person, the tax bill 34151
prescribed by the tax commissioner under division (D)(7) of this 34152
section. When taxes are paid by installments, the county treasurer 34153
shall mail or deliver to each person charged on such duplicate or 34154
the agent designated by that person a second tax bill showing the 34155
amount due at the time of the second tax collection. The second 34156
half tax bill shall be mailed or delivered at least twenty days 34157
prior to the close of the second half tax collection period. A 34158
change in the mailing address of any tax bill shall be made in 34159
writing to the county treasurer. Failure to receive a bill 34160
required by this section does not excuse failure or delay to pay 34161
any taxes shown on the bill or, except as provided in division 34162
(B)(1) of section 5715.39 of the Revised Code, avoid any penalty, 34163
interest, or charge for such delay. 34164

(b) After delivery of the copy of the delinquent manufactured 34165
home tax list under division (H) of this section, the county 34166
treasurer may prepare and mail to each person in whose name a home 34167
is listed an additional tax bill showing the total amount of 34168
delinquent taxes charged against the home as shown on the list. 34169
The tax bill shall include a notice that the interest charge 34170
prescribed by division (G) of this section has begun to accrue. 34171

(7) Each tax bill prepared and mailed or delivered under 34172
division (D)(6) of this section shall be in the form and contain 34173
the information required by the tax commissioner. The commissioner 34174
may prescribe different forms for each county and may authorize 34175
the county auditor to make up tax bills and tax receipts to be 34176
used by the county treasurer. The tax bill shall not contain or be 34177
mailed or delivered with any information or material that is not 34178
required by this section or that is not authorized by section 34179

321.45 of the Revised Code or by the tax commissioner. In addition 34180
to the information required by the commissioner, each tax bill 34181
shall contain the following information: 34182

(a) The taxes levied and the taxes charged and payable 34183
against the manufactured or mobile home; 34184

(b) The following notice: "Notice: If the taxes are not paid 34185
within sixty days after the county auditor delivers the delinquent 34186
manufactured home tax list to the county treasurer, you and your 34187
home may be subject to collection proceedings for tax 34188
delinquency." Failure to provide such notice has no effect upon 34189
the validity of any tax judgment to which a home may be subjected. 34190

(c) In the case of manufactured or mobile homes taxed under 34191
division (D)(2) of this section, the following additional 34192
information: 34193

(i) The effective tax rate. The words "effective tax rate" 34194
shall appear in boldface type. 34195

(ii) The following notice: "Notice: If the taxes charged 34196
against this home have been reduced by the 2-1/2 per cent tax 34197
reduction for residences occupied by the owner but the home is not 34198
a residence occupied by the owner, the owner must notify the 34199
county auditor's office not later than March 31 of the year for 34200
which the taxes are due. Failure to do so may result in the owner 34201
being convicted of a fourth degree misdemeanor, which is 34202
punishable by imprisonment up to 30 days, a fine up to \$250, or 34203
both, and in the owner having to repay the amount by which the 34204
taxes were erroneously or illegally reduced, plus any interest 34205
that may apply. 34206

If the taxes charged against this home have not been reduced 34207
by the 2-1/2 per cent tax reduction and the home is a residence 34208
occupied by the owner, the home may qualify for the tax reduction. 34209
To obtain an application for the tax reduction or further 34210

information, the owner may contact the county auditor's office at 34211
..... (insert the address and telephone number of the county 34212
auditor's office)." 34213

(E)(1) A manufactured or mobile home is not subject to this 34214
section when any of the following applies: 34215

(a) It is taxable as personal property pursuant to section 34216
5709.01 of the Revised Code. Any manufactured or mobile home that 34217
is used as a residence shall be subject to this section and shall 34218
not be taxable as personal property pursuant to section 5709.01 of 34219
the Revised Code. 34220

(b) It bears a license plate issued by any state other than 34221
this state unless the home is in this state in excess of an 34222
accumulative period of thirty days in any calendar year. 34223

(c) The annual tax has been paid on the home in this state 34224
for the current year. 34225

(d) The tax commissioner has determined, pursuant to section 34226
5715.27 of the Revised Code, that the property is exempt from 34227
taxation, or would be exempt from taxation under Chapter 5709. of 34228
the Revised Code if it were classified as real property. 34229

(2) A travel trailer or park trailer, as these terms are 34230
defined in section 4501.01 of the Revised Code, is not subject to 34231
this section if it is unused or unoccupied and stored at the 34232
owner's normal place of residence or at a recognized storage 34233
facility. 34234

(3) A travel trailer or park trailer, as these terms are 34235
defined in section 4501.01 of the Revised Code, is subject to this 34236
section and shall be taxed as a manufactured or mobile home if it 34237
has a situs longer than thirty days in one location and is 34238
connected to existing utilities, unless either of the following 34239
applies: 34240

(a) The situs is in a state facility or a camping or park area as defined in division (C), (Q), (S), or (V) of section 3729.01 of the Revised Code.

(b) The situs is in a camping or park area that is a tract of land that has been limited to recreational use by deed or zoning restrictions and subdivided for sale of five or more individual lots for the express or implied purpose of occupancy by either self-contained recreational vehicles as defined in division (T) of section 3729.01 of the Revised Code or by dependent recreational vehicles as defined in division (D) of section 3729.01 of the Revised Code.

(F) Except as provided in division (D)(3) of this section, the manufactured home tax is due and payable as follows:

(1) When a manufactured or mobile home has a situs in this state, as provided in this section, on the first day of January, one-half of the amount of the tax is due and payable on or before the first day of March and the balance is due and payable on or before the thirty-first day of July. At the option of the owner of the home, the tax for the entire year may be paid in full on the first day of March.

(2) When a manufactured or mobile home first acquires a situs in this state after the first day of January, no tax is due and payable for that year.

(G)(1)(a) Except as otherwise provided in division (G)(1)(b) of this section, if one-half of the current taxes charged under this section against a manufactured or mobile home, together with the full amount of any delinquent taxes, are not paid on or before the first day of March in that year, or on or before the last day for such payment as extended pursuant to section 4503.063 of the Revised Code, a penalty of ten per cent shall be charged against the unpaid balance of such half of the current taxes. If the total

amount of all such taxes is not paid on or before the thirty-first 34272
day of July, next thereafter, or on or before the last day for 34273
payment as extended pursuant to section 4503.063 of the Revised 34274
Code, a like penalty shall be charged on the balance of the total 34275
amount of the unpaid current taxes. 34276

(b) After a valid delinquent tax contract that includes 34277
unpaid current taxes from a first-half collection period described 34278
in division (F) of this section has been entered into under 34279
section 323.31 of the Revised Code, no ten per cent penalty shall 34280
be charged against such taxes after the second-half collection 34281
period while the delinquent tax contract remains in effect. On the 34282
day a delinquent tax contract becomes void, the ten per cent 34283
penalty shall be charged against such taxes and shall equal the 34284
amount of penalty that would have been charged against unpaid 34285
current taxes outstanding on the date on which the second-half 34286
penalty would have been charged thereon under division (G)(1)(a) 34287
of this section if the contract had not been in effect. 34288

(2)(a) On the first day of the month following the last day 34289
the second installment of taxes may be paid without penalty 34290
beginning in 2000, interest shall be charged against and computed 34291
on all delinquent taxes other than the current taxes that became 34292
delinquent taxes at the close of the last day such second 34293
installment could be paid without penalty. The charge shall be for 34294
interest that accrued during the period that began on the 34295
preceding first day of December and ended on the last day of the 34296
month that included the last date such second installment could be 34297
paid without penalty. The interest shall be computed at the rate 34298
per annum prescribed by section 5703.47 of the Revised Code and 34299
shall be entered as a separate item on the delinquent manufactured 34300
home tax list compiled under division (H) of this section. 34301

(b) On the first day of December beginning in 2000, the 34302
interest shall be charged against and computed on all delinquent 34303

taxes. The charge shall be for interest that accrued during the 34304
period that began on the first day of the month following the last 34305
date prescribed for the payment of the second installment of taxes 34306
in the current year and ended on the immediately preceding last 34307
day of November. The interest shall be computed at the rate per 34308
annum prescribed by section 5703.47 of the Revised Code and shall 34309
be entered as a separate item on the delinquent manufactured home 34310
tax list. 34311

(c) After a valid undertaking has been entered into for the 34312
payment of any delinquent taxes, no interest shall be charged 34313
against such delinquent taxes while the undertaking remains in 34314
effect in compliance with section 323.31 of the Revised Code. If a 34315
valid undertaking becomes void, interest shall be charged against 34316
the delinquent taxes for the periods that interest was not 34317
permitted to be charged while the undertaking was in effect. The 34318
interest shall be charged on the day the undertaking becomes void 34319
and shall equal the amount of interest that would have been 34320
charged against the unpaid delinquent taxes outstanding on the 34321
dates on which interest would have been charged thereon under 34322
divisions (G)(1) and (2) of this section had the undertaking not 34323
been in effect. 34324

(3) If the full amount of the taxes due at either of the 34325
times prescribed by division (F) of this section is paid within 34326
ten days after such time, the county treasurer shall waive the 34327
collection of and the county auditor shall remit one-half of the 34328
penalty provided for in this division for failure to make that 34329
payment by the prescribed time. 34330

(4) The treasurer shall compile and deliver to the county 34331
auditor a list of all tax payments the treasurer has received as 34332
provided in division (G)(3) of this section. The list shall 34333
include any information required by the auditor for the remission 34334
of the penalties waived by the treasurer. The taxes so collected 34335

shall be included in the settlement next succeeding the settlement 34336
then in process. 34337

(H)(1) Beginning in 2000, the county auditor shall compile 34338
annually a "delinquent manufactured home tax list" consisting of 34339
homes the county treasurer's records indicate have taxes that were 34340
not paid within the time prescribed by divisions (D)(3) and (F) of 34341
this section, have taxes that remain unpaid from prior years, or 34342
have unpaid tax penalties or interest that have been assessed. 34343

(2) Within thirty days after the settlement under division 34344
(H)(2) of section 321.24 of the Revised Code beginning in 2000, 34345
the county auditor shall deliver a copy of the delinquent 34346
manufactured home tax list to the county treasurer. The auditor 34347
shall update and publish the delinquent manufactured home tax list 34348
annually in the same manner as delinquent real property tax lists 34349
are published. The county auditor shall apportion the cost of 34350
publishing the list among taxing districts in proportion to the 34351
amount of delinquent manufactured home taxes so published that 34352
each taxing district is entitled to receive upon collection of 34353
those taxes. 34354

(3) When taxes, penalties, or interest are charged against a 34355
person on the delinquent manufactured home tax list and are not 34356
paid within sixty days after the list is delivered to the county 34357
treasurer, the county treasurer shall, in addition to any other 34358
remedy provided by law for the collection of taxes, penalties, and 34359
interest, enforce collection of such taxes, penalties, and 34360
interest by civil action in the name of the treasurer against the 34361
owner for the recovery of the unpaid taxes following the 34362
procedures for the recovery of delinquent real property taxes in 34363
sections 323.25 to 323.28 of the Revised Code. The action may be 34364
brought in municipal or county court, provided the amount charged 34365
does not exceed the monetary limitations for original jurisdiction 34366
for civil actions in those courts. 34367

It is sufficient, having made proper parties to the suit, for the county treasurer to allege in the treasurer's bill of particulars or petition that the taxes stand chargeable on the books of the county treasurer against such person, that they are due and unpaid, and that such person is indebted in the amount of taxes appearing to be due the county. The treasurer need not set forth any other matter relating thereto. If it is found on the trial of the action that the person is indebted to the state, judgment shall be rendered in favor of the county treasurer prosecuting the action. The judgment debtor is not entitled to the benefit of any law for stay of execution or exemption of property from levy or sale on execution in the enforcement of the judgment.

Upon the filing of an entry of confirmation of sale or an order of forfeiture in a proceeding brought under this division, title to the manufactured or mobile home shall be in the purchaser. The clerk of courts shall issue a certificate of title to the purchaser upon presentation of proof of filing of the entry of confirmation or order and, in the case of a forfeiture, presentation of the county auditor's certificate of sale.

(I) The total amount of taxes collected shall be distributed in the following manner: four per cent shall be allowed as compensation to the county auditor for the county auditor's service in assessing the taxes; two per cent shall be allowed as compensation to the county treasurer for the services the county treasurer renders as a result of the tax levied by this section. Such amounts shall be paid into the county treasury, to the credit of the county general revenue fund, on the warrant of the county auditor. Fees to be paid to the credit of the real estate assessment fund shall be collected pursuant to division ~~(B)~~(C) of section 319.54 of the Revised Code and paid into the county treasury, on the warrant of the county auditor. The balance of the taxes collected shall be distributed among the taxing subdivisions

of the county in which the taxes are collected and paid in the 34400
same ratio as those taxes were collected for the benefit of the 34401
taxing subdivision. The taxes levied and revenues collected under 34402
this section shall be in lieu of any general property tax and any 34403
tax levied with respect to the privilege of using or occupying a 34404
manufactured or mobile home in this state except as provided in 34405
sections 4503.04 and 5741.02 of the Revised Code. 34406

(J) An agreement to purchase or a bill of sale for a 34407
manufactured home shall show whether or not the furnishings and 34408
equipment are included in the purchase price. 34409

(K) If the county treasurer and the county prosecuting 34410
attorney agree that an item charged on the delinquent manufactured 34411
home tax list is uncollectible, they shall certify that 34412
determination and the reasons to the county board of revision. If 34413
the board determines the amount is uncollectible, it shall certify 34414
its determination to the county auditor, who shall strike the item 34415
from the list. 34416

(L)(1) The county auditor shall appraise at its true value 34417
any manufactured or mobile home in which ownership is transferred 34418
or which first acquires situs in this state on or after January 1, 34419
2000, and any manufactured or mobile home the owner of which has 34420
elected, under division (D)(4) of this section, to have the home 34421
taxed under division (D)(2) of this section. The true value shall 34422
include the value of the home, any additions, and any fixtures, 34423
but not any furnishings in the home. In determining the true value 34424
of a manufactured or mobile home, the auditor shall consider all 34425
facts and circumstances relating to the value of the home, 34426
including its age, its capacity to function as a residence, any 34427
obsolete characteristics, and other factors that may tend to prove 34428
its true value. 34429

(2)(a) If a manufactured or mobile home has been the subject 34430
of an arm's length sale between a willing seller and a willing 34431

buyer within a reasonable length of time prior to the 34432
determination of true value, the county auditor shall consider the 34433
sale price of the home to be the true value for taxation purposes. 34434

(b) The sale price in an arm's length transaction between a 34435
willing seller and a willing buyer shall not be considered the 34436
true value of the home if either of the following occurred after 34437
the sale: 34438

(i) The home has lost value due to a casualty. 34439

(ii) An addition or fixture has been added to the home. 34440

(3) The county auditor shall have each home viewed and 34441
appraised at least once in each six-year period in the same year 34442
in which real property in the county is appraised pursuant to 34443
Chapter 5713. of the Revised Code, and shall update the appraised 34444
values in the third calendar year following the appraisal. The 34445
person viewing or appraising a home may enter the home to 34446
determine by actual view any additions or fixtures that have been 34447
added since the last appraisal. In conducting the appraisals and 34448
establishing the true value, the auditor shall follow the 34449
procedures set forth for appraising real property in sections 34450
5713.01 and 5713.03 of the Revised Code. 34451

(4) The county auditor shall place the true value of each 34452
home on the manufactured home tax list upon completion of an 34453
appraisal. 34454

(5)(a) If the county auditor changes the true value of a 34455
home, the auditor shall notify the owner of the home in writing, 34456
delivered by mail or in person. The notice shall be given at least 34457
thirty days prior to the issuance of any tax bill that reflects 34458
the change. Failure to receive the notice does not invalidate any 34459
proceeding under this section. 34460

(b) Any owner of a home or any other person or party listed 34461
in division (A)(1) of section 5715.19 of the Revised Code may file 34462

a complaint against the true value of the home as appraised under 34463
this section. The complaint shall be filed with the county auditor 34464
on or before the thirty-first day of March of the current tax year 34465
or the date of closing of the collection for the first half of 34466
manufactured home taxes for the current tax year, whichever is 34467
later. The auditor shall present to the county board of revision 34468
all complaints filed with the auditor under this section. The 34469
board shall hear and investigate the complaint and may take action 34470
on it as provided under sections 5715.11 to 5715.19 of the Revised 34471
Code. 34472

(c) If the county board of revision determines, pursuant to a 34473
complaint against the valuation of a manufactured or mobile home 34474
filed under this section, that the amount of taxes, assessments, 34475
or other charges paid was in excess of the amount due based on the 34476
valuation as finally determined, then the overpayment shall be 34477
refunded in the manner prescribed in section 5715.22 of the 34478
Revised Code. 34479

(d) Payment of all or part of a tax under this section for 34480
any year for which a complaint is pending before the county board 34481
of revision does not abate the complaint or in any way affect the 34482
hearing and determination thereof. 34483

(M) If the county auditor determines that any tax or other 34484
charge or any part thereof has been erroneously charged as a 34485
result of a clerical error as defined in section 319.35 of the 34486
Revised Code, the county auditor shall call the attention of the 34487
county board of revision to the erroneous charges. If the board 34488
finds that the taxes or other charges have been erroneously 34489
charged or collected, it shall certify the finding to the auditor. 34490
Upon receipt of the certification, the auditor shall remove the 34491
erroneous charges on the manufactured home tax list or delinquent 34492
manufactured home tax list in the same manner as is prescribed in 34493
section 319.35 of the Revised Code for erroneous charges against 34494

real property, and refund any erroneous charges that have been 34495
collected, with interest, in the same manner as is prescribed in 34496
section 319.36 of the Revised Code for erroneous charges against 34497
real property. 34498

(N) As used in this section and section 4503.061 of the 34499
Revised Code: 34500

(1) "Manufactured home taxes" includes taxes, penalties, and 34501
interest charged under division (C) or (G) of this section and any 34502
penalties charged under division (G) or (H)(5) of section 4503.061 34503
of the Revised Code. 34504

(2) "Current taxes" means all manufactured home taxes charged 34505
against a manufactured or mobile home that have not appeared on 34506
the manufactured home tax list for any prior year. Current taxes 34507
become delinquent taxes if they remain unpaid after the last day 34508
prescribed for payment of the second installment of current taxes 34509
without penalty, whether or not they have been certified 34510
delinquent. 34511

(3) "Delinquent taxes" means: 34512

(a) Any manufactured home taxes that were charged against a 34513
manufactured or mobile home for a prior year, including any 34514
penalties or interest charged for a prior year, and that remain 34515
unpaid; 34516

(b) Any current manufactured home taxes charged against a 34517
manufactured or mobile home that remain unpaid after the last day 34518
prescribed for payment of the second installment of current taxes 34519
without penalty, whether or not they have been certified 34520
delinquent, including any penalties or interest. 34521

Sec. 4503.061. (A) All manufactured and mobile homes shall be 34522
listed on either the real property tax list or the manufactured 34523
home tax list of the county in which the home has situs. Each 34524

owner shall follow the procedures in this section to identify the 34525
home to the county auditor of the county containing the taxing 34526
district in which the home has situs so that the auditor may place 34527
the home on the appropriate tax list. 34528

(B) When a manufactured or mobile home first acquires situs 34529
in this state and is subject to real property taxation pursuant to 34530
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 34531
owner shall present to the auditor of the county containing the 34532
taxing district in which the home has its situs the certificate of 34533
title for the home, together with proof that all taxes due have 34534
been paid and proof that a relocation notice was obtained for the 34535
home if required under this section. Upon receiving the 34536
certificate of title and the required proofs, the auditor shall 34537
place the home on the real property tax list and proceed to treat 34538
the home as other properties on that list. After the auditor has 34539
placed the home on the tax list of real and public utility 34540
property, the auditor shall deliver the certificate of title to 34541
the clerk of the court of common pleas that issued it pursuant to 34542
section 4505.11 of the Revised Code, and the clerk shall 34543
inactivate the certificate of title. 34544

(C)(1) When a manufactured or mobile home subject to a 34545
manufactured home tax is relocated to or first acquires situs in 34546
any county that has adopted a permanent manufactured home 34547
registration system, as provided in division (F) of this section, 34548
the owner, within thirty days after the home is relocated or first 34549
acquires situs under section 4503.06 of the Revised Code, shall 34550
register the home with the county auditor of the county containing 34551
the taxing district in which the home has its situs. For the first 34552
registration in each county of situs, the owner or vendee in 34553
possession shall present to the county auditor an Ohio certificate 34554
of title, certified copy of the certificate of title, or 34555
memorandum certificate of title as such are required by law, and 34556

proof, as required by the county auditor, that the home, if it has
previously been occupied and is being relocated, has been
previously registered, that all taxes due and required to be paid
under division (H)(1) of this section before a relocation notice
may be issued have been paid, and that a relocation notice was
obtained for the home if required by division (H) of this section.
If the owner or vendee does not possess the Ohio certificate of
title, certified copy of the certificate of title, or memorandum
certificate of title at the time the owner or vendee first
registers the home in a county, the county auditor shall register
the home without presentation of the document, but the owner or
vendee shall present the certificate of title, certified copy of
the certificate of title, or memorandum certificate of title to
the county auditor within fourteen days after the owner or vendee
obtains possession of the document.

(2) When a manufactured or mobile home is registered for the
first time in a county and when the total tax due has been paid as
required by division (F) of section 4503.06 of the Revised Code or
divisions (E) and (H) of this section, the county treasurer shall
note by writing or by a stamp on the certificate of title,
certified copy of certificate of title, or memorandum certificate
of title that the home has been registered and that the taxes due,
if any, have been paid for the preceding five years and for the
current year. The treasurer shall then issue a certificate
evidencing registration and a decal to be displayed on the street
side of the home. The certificate is valid in any county in this
state during the year for which it is issued.

(3) For each year thereafter, the county treasurer shall
issue a tax bill stating the amount of tax due under section
4503.06 of the Revised Code, as provided in division (D)(6) of
that section. When the total tax due has been paid as required by
division (F) of that section, the county treasurer shall issue a

certificate evidencing registration that shall be valid in any 34589
county in this state during the year for which the certificate is 34590
issued. 34591

(4) The permanent decal issued under this division is valid 34592
during the period of ownership, except that when a manufactured 34593
home is relocated in another county the owner shall apply for a 34594
new registration as required by this section and section 4503.06 34595
of the Revised Code. 34596

(D)(1) All owners of manufactured or mobile homes subject to 34597
the manufactured home tax being relocated to or having situs in a 34598
county that has not adopted a permanent registration system, as 34599
provided in division (F) of this section, shall register the home 34600
within thirty days after the home is relocated or first acquires 34601
situs under section 4503.06 of the Revised Code and thereafter 34602
shall annually register the home with the county auditor of the 34603
county containing the taxing district in which the home has its 34604
situs. 34605

(2) Upon the annual registration, the county treasurer shall 34606
issue a tax bill stating the amount of annual manufactured home 34607
tax due under section 4503.06 of the Revised Code, as provided in 34608
division (D)(6) of that section. When a manufactured or mobile 34609
home is registered and when the tax for the current one-half year 34610
has been paid as required by division (F) of that section, the 34611
county treasurer shall issue a certificate evidencing registration 34612
and a decal. The certificate and decal are valid in any county in 34613
this state during the year for which they are issued. The decal 34614
shall be displayed on the street side of the home. 34615

(3) For the first annual registration in each county of 34616
situs, the county auditor shall require the owner or vendee to 34617
present an Ohio certificate of title, certified copy of the 34618
certificate of title, or memorandum certificate of title as such 34619
are required by law, and proof, as required by the county auditor, 34620

that the manufactured or mobile home has been previously 34621
registered, if such registration was required, that all taxes due 34622
and required to be paid under division (H)(1) of this section 34623
before a relocation notice may be issued have been paid, and that 34624
a relocation notice was obtained for the home if required by 34625
division (H) of this section. If the owner or vendee does not 34626
possess the Ohio certificate of title, certified copy of the 34627
certificate of title, or memorandum certificate of title at the 34628
time the owner or vendee first registers the home in a county, the 34629
county auditor shall register the home without presentation of the 34630
document, but the owner or vendee shall present the certificate of 34631
title, certified copy of the certificate of title, or memorandum 34632
certificate of title to the county auditor within fourteen days 34633
after the owner or vendee obtains possession of the document. When 34634
the county treasurer receives the tax payment, the county 34635
treasurer shall note by writing or by a stamp on the certificate 34636
of title, certified copy of the certificate of title, or 34637
memorandum certificate of title that the home has been registered 34638
for the current year and that the manufactured home taxes due, if 34639
any, have been paid for the preceding five years and for the 34640
current year. 34641

(4) For subsequent annual registrations, the auditor may 34642
require the owner or vendee in possession to present an Ohio 34643
certificate of title, certified copy of the certificate of title, 34644
or memorandum certificate of title to the county treasurer upon 34645
payment of the manufactured home tax that is due. 34646

(E)(1) Upon the application to transfer ownership of a 34647
manufactured or mobile home for which manufactured home taxes are 34648
paid pursuant to division (C) of section 4503.06 of the Revised 34649
Code the clerk of the court of common pleas shall not issue any 34650
certificate of title that does not contain or have attached both 34651
of the following: 34652

(a) An endorsement of the county treasurer stating that the home has been registered for each year of ownership and that all manufactured home taxes imposed pursuant to section 4503.06 of the Revised Code have been paid or that no tax is due;

(b) An endorsement of the county auditor that the manufactured home transfer tax imposed pursuant to section 322.06 of the Revised Code and any fees imposed under division ~~(F)~~(G) of section 319.54 of the Revised Code have been paid.

(2) If all the taxes have not been paid, the clerk shall notify the vendee to contact the county treasurer of the county containing the taxing district in which the home has its situs at the time of the proposed transfer. The county treasurer shall then collect all the taxes that are due for the year of the transfer and all previous years not exceeding a total of five years. The county treasurer shall distribute that part of the collection owed to the county treasurer of other counties if the home had its situs in another county during a particular year when the unpaid tax became due and payable. The burden to prove the situs of the home in the years that the taxes were not paid is on the transferor of the home. Upon payment of the taxes, the county auditor shall remove all remaining taxes from the manufactured home tax list and the delinquent manufactured home tax list, and the county treasurer shall release all liens for such taxes. The clerk of courts shall issue a certificate of title, free and clear of all liens for manufactured home taxes, to the transferee of the home.

(3) Once the transfer is complete and the certificate of title has been issued, the transferee shall register the manufactured or mobile home pursuant to division (C) or (D) of this section with the county auditor of the county containing the taxing district in which the home remains after the transfer or, if the home is relocated to another county, with the county

auditor of the county to which the home is relocated. The 34685
transferee need not pay the annual tax for the year of acquisition 34686
if the original owner has already paid the annual tax for that 34687
year. 34688

(F) The county auditor may adopt a permanent registration 34689
system and issue a permanent decal with the first registration as 34690
prescribed by the tax commissioner. 34691

(G) When any manufactured or mobile home required to be 34692
registered by this section is not registered, the county auditor 34693
shall impose a penalty of one hundred dollars upon the owner and 34694
deposit the amount to the credit of the county real estate 34695
assessment fund to be used to pay the costs of administering this 34696
section and section 4503.06 of the Revised Code. If unpaid, the 34697
penalty shall constitute a lien on the home and shall be added by 34698
the county auditor to the manufactured home tax list for 34699
collection. 34700

(H)(1) Except as otherwise provided in this division, before 34701
moving a manufactured or mobile home on public roads from one 34702
address within this state to another address within or outside 34703
this state, the owner of the home shall obtain a relocation 34704
notice, as provided by this section, from the auditor of the 34705
county in which the home is located if the home is currently 34706
subject to taxation pursuant to section 4503.06 of the Revised 34707
Code. The auditor shall charge five dollars for the notice, and 34708
deposit the amount to the credit of the county real estate 34709
assessment fund to be used to pay the costs of administering this 34710
section and section 4503.06 of the Revised Code. The auditor shall 34711
not issue a relocation notice unless all taxes owed on the home 34712
under section 4503.06 of the Revised Code that were first charged 34713
to the home during the period of ownership of the owner seeking 34714
the relocation notice have been paid. If the home is being moved 34715
by a new owner of the home or by a party taking repossession of 34716

the home, the auditor shall not issue a relocation notice unless 34717
all of the taxes due for the preceding five years and for the 34718
current year have been paid. A relocation notice issued by a 34719
county auditor is valid until the last day of December of the year 34720
in which it was issued. 34721

If the home is being moved by a sheriff, police officer, 34722
constable, bailiff, or manufactured home park operator, as defined 34723
in section 3733.01 of the Revised Code, or any agent of any of 34724
these persons, for purposes of removal from a manufactured home 34725
park and storage, sale, or destruction under section 1923.14 of 34726
the Revised Code, the auditor shall issue a relocation notice 34727
without requiring payment of any taxes owed on the home under 34728
section 4503.06 of the Revised Code. 34729

(2) If a manufactured or mobile home is not yet subject to 34730
taxation under section 4503.06 of the Revised Code, the owner of 34731
the home shall obtain a relocation notice from the dealer of the 34732
home. Within thirty days after the manufactured or mobile home is 34733
purchased, the dealer of the home shall provide the auditor of the 34734
county in which the home is to be located written notice of the 34735
name of the purchaser of the home, the registration number or 34736
vehicle identification number of the home, and the address or 34737
location to which the home is to be moved. The county auditor 34738
shall provide to each manufactured and mobile home dealer, without 34739
charge, a supply of relocation notices to be distributed to 34740
purchasers pursuant to this section. 34741

(3) The notice shall be in the form of a one-foot square 34742
yellow sign with the words "manufactured home relocation notice" 34743
printed prominently on it. The name of the owner of the home, the 34744
home's registration number or vehicle identification number, the 34745
county and the address or location to which the home is being 34746
moved, and the county in which the notice is issued shall also be 34747
entered on the notice. 34748

(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 state unless a relocation notice is attached to the rear of the home.

(5) If the county auditor determines that a manufactured or mobile home has been moved without a relocation notice as required under this division, the auditor shall impose a penalty of one hundred dollars upon the owner of the home and upon the person who moved the home and deposit the amount to the credit of the county real estate assessment fund to pay the costs of administering this section and section 4503.06 of the Revised Code. If the home was relocated from one county in this state to another county in this state and the county auditor of the county to which the home was relocated imposes the penalty, that county auditor, upon collection of the penalty, shall cause an amount equal to the penalty to be transmitted from the county real estate assessment fund to the county auditor of the county from which the home was relocated, who shall deposit the amount to the credit of the county real estate assessment fund. If the penalty on the owner is unpaid, the penalty shall constitute a lien on the home and the auditor shall add the penalty to the manufactured home tax list for collection. If the county auditor determines that a dealer that has sold a manufactured or mobile home has failed to timely provide the information required under this division, the auditor shall impose a penalty upon the dealer in the amount of one hundred dollars. The penalty shall be credited to the county real estate assessment fund and used to pay the costs of administering this section and section 4503.06 of the Revised Code.

(I) Whoever violates division (H)(4) of this section is

guilty of a minor misdemeanor. 34781

Sec. 4503.064. As used in sections 4503.064 to 4503.069 of 34782
the Revised Code: 34783

(A) "Sixty-five years of age or older" means a person who 34784
will be age sixty-five or older in the calendar year following the 34785
year of application for reduction in the assessable value of the 34786
person's manufactured or mobile home. 34787

~~(B) "Total income" means the adjusted gross income of the 34788
owner and the owner's spouse for the year preceding the year in 34789
which application for a reduction in taxes is made, as determined 34790
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 34791
U.S.C.A. 1, as amended, adjusted as follows: 34792~~

~~(1) Subtract the amount of disability benefits included in 34793
adjusted gross income but not to exceed five thousand two hundred 34794
dollars; 34795~~

~~(2) Add old age and survivors benefits received pursuant to 34796
the "Social Security Act" that are not included in adjusted gross 34797
income; 34798~~

~~(3) Add retirement, pension, annuity, or other retirement 34799
payments or benefits not included in adjusted gross income; 34800~~

~~(4) Add tier I and II railroad retirement benefits received 34801
pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C. 34802
228; 34803~~

~~(5) Add interest on federal, state, and local government 34804
obligations; 34805~~

~~(6) For a person who received the homestead exemption for a 34806
prior year on the basis of being permanently and totally disabled 34807
and whose current application for the exemption is made on the 34808
basis of age, subtract the following amount: 34809~~

~~(a) If the person received disability benefits that were not 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 disability benefits the person received 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;~~ 34810
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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.~~ 34817
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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.~~ 34825
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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:~~ 34829
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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.~~ 34832
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~~(2) The lesser of:~~ 34841

~~(a) Survivors benefits payable under the social security or 34842
railroad retirement laws in effect on the last day of the calendar 34843
year preceding the year in which the applicant's application for 34844
reduction is first successfully made, or, if no such benefits are 34845
payable that year, survivors benefits payable the first succeeding 34846
year in which survivors benefits are payable; or 34847~~

~~(b) Old age benefits of the deceased spouse, as determined 34848
under division (C)(1) of this section, upon which the surviving 34849
spouse's survivors benefits are based under the social security or 34850
railroad retirement laws, except in those cases where a change in 34851
benefits would cause a reduction in income. 34852~~

~~Survivors benefits are those described in division (C)(2)(b) 34853
of this section only if the deceased spouse received old age 34854
benefits in the year in which the deceased died. If the deceased 34855
spouse did not receive old age benefits in the year in which the 34856
deceased died, then survivors benefits are those described in 34857
division (C)(2)(a) of this section. 34858~~

~~(D) "Permanently and totally disabled" means a person who, on 34859
the first day of January of the year of application, including 34860
late application, for reduction in the assessable value of a 34861
manufactured or mobile home, has some impairment in body or mind 34862
that makes the person unable to work at any substantially 34863
remunerative employment which the person is reasonably able to 34864
perform and which will, with reasonable probability, continue for 34865
an indefinite period of at least twelve months without any present 34866
indication of recovery therefrom or has been certified as 34867
permanently and totally disabled by a state or federal agency 34868
having the function of so classifying persons. 34869~~

~~(E)(C) "Homestead exemption" means the reduction in taxes 34870
allowed under division (A) of section 323.152 of the Revised Code 34871~~

for the year in which an application is filed under section 34872
4503.066 of the Revised Code. 34873

~~(F)~~(D) "Manufactured home" has the meaning given in division 34874
(C)(4) of section 3781.06 of the Revised Code, and includes a 34875
structure consisting of two manufactured homes that were purchased 34876
either together or separately and are combined to form a single 34877
dwelling, but does not include a manufactured home that is taxed 34878
as real property pursuant to division (B) of section 4503.06 of 34879
the Revised Code. 34880

~~(G)~~(E) "Mobile home" has the meaning given in division (O) of 34881
section 4501.01 of the Revised Code and includes a structure 34882
consisting of two mobile homes that were purchased together or 34883
separately and combined to form a single dwelling, but does not 34884
include a mobile home that is taxed as real property pursuant to 34885
division (B) of section 4503.06 of the Revised Code. 34886

~~(H)~~(F) "Late application" means an application filed with an 34887
original application under division (A)(3) of section 4503.066 of 34888
the Revised Code. 34889

Sec. 4503.065. (A) This section applies to any of the 34890
following: 34891

(1) An individual who is permanently and totally disabled; 34892

(2) An individual who is sixty-five years of age or older; 34893

(3) An individual who is the surviving spouse of a deceased 34894
person who was permanently and totally disabled or sixty-five 34895
years of age or older and who applied and qualified for a 34896
reduction in assessable value under this section in the year of 34897
death, provided the surviving spouse is at least fifty-nine but 34898
not sixty-five or more years of age on the date the deceased 34899
spouse dies. 34900

(B)~~(1)~~ The manufactured home tax on a manufactured or mobile 34901

home that is paid pursuant to division (C) of section 4503.06 of 34902
the Revised Code and that is owned and occupied as a home by an 34903
individual whose domicile is in this state and to whom this 34904
section applies, shall be reduced for any tax year for which the 34905
owner obtains a certificate of reduction from the county auditor 34906
under section 4503.067 of the Revised Code, provided the 34907
individual did not acquire ownership from a person, other than the 34908
individual's spouse, related by consanguinity or affinity for the 34909
purpose of qualifying for the reduction ~~in assessable value~~. An 34910
owner includes a settlor of a revocable inter vivos trust holding 34911
the title to a manufactured or mobile home occupied by the settlor 34912
as of right under the trust. ~~The~~ 34913

(1) For manufactured and mobile homes for which the tax 34914
imposed by section 4503.06 of the Revised Code is computed under 34915
division (D)(2) of that section, the reduction shall equal the 34916
~~amount obtained by multiplying the tax rate for the tax year for~~ 34917
~~which the certificate is issued by the reduction in assessable~~ 34918
~~value shown in the following schedule.~~ 34919

	Reduce Assessable Value	
Total Income	by the Lesser of:	
	Column A	Column B
\$11,900 or less	\$5,000 or seventy five per cent	34923
More than \$11,900 but not more than \$17,500	\$3,000 or sixty per cent	34924
More than \$17,500 but not more than \$23,000	\$1,000 or twenty five per cent	34925
More than \$23,000	-0-	34926

~~(2) Each calendar year, the tax commissioner shall adjust the~~ 34927
~~foregoing schedule by completing the following calculations in~~ 34928
~~September of each year:~~ 34929

~~(a) Determine the percentage increase in the gross domestic~~ 34930
~~product deflator determined by the bureau of economic analysis of~~ 34931

~~the United States department of commerce from the first day of 34932
January of the preceding calendar year to the last day of December 34933
of the preceding calendar year; 34934~~

~~(b) Multiply that percentage increase by each of the total 34935
income amounts, and by each dollar amount by which assessable 34936
value is reduced, for the ensuing tax year; 34937~~

~~(c) Add the resulting product to each of the total income 34938
amounts, and to each of the dollar amounts by which assessable 34939
value is reduced, for the ensuing tax year; 34940~~

~~(d)(i) Except as provided in division (B)(2)(d)(ii) of this 34941
section, round the resulting sum to the nearest multiple of one 34942
hundred dollars; 34943~~

~~(ii) If rounding the resulting sum to the nearest multiple of 34944
one hundred dollars under division (B)(2)(d)(i) of this section 34945
does not increase the dollar amounts by which assessable value is 34946
reduced, the resulting sum instead shall be rounded to the nearest 34947
multiple of ten dollars. 34948~~

~~The commissioner shall certify the amounts resulting from the 34949
adjustment to each county auditor not later than the first day of 34950
December each year. The certified amounts apply to the second 34951
ensuing tax year. The commissioner shall not make the adjustment 34952
in any calendar year in which the amounts resulting from the 34953
adjustment would be less than the total income amounts, or less 34954
than the dollar amounts by which assessable value is reduced, for 34955
the ensuing tax year greater of the reduction granted for the tax 34956
year preceding the first tax year to which this section applies 34957
pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th 34958
general assembly, if the taxpayer received a reduction for that 34959
preceding tax year, or the product of the following: 34960~~

~~(a) Twenty-five thousand dollars of the true value of the 34961
property in money; 34962~~

<u>(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;</u>	34963
	34964
	34965
<u>(c) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;</u>	34966
	34967
	34968
	34969
<u>(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 for the property for the current year.</u>	34970
	34971
	34972
	34973
<u>(2) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(1) of that section, the reduction shall equal the greater of the reduction granted for the tax year preceding the first tax year to which this section applies pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the taxpayer received a reduction for that preceding tax year, or the product of the following:</u>	34974
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	34981
<u>(a) Twenty-five thousand dollars of the cost to the owner, or the market value at the time of purchase, whichever is greater, as those terms are used in division (D)(1) of section 4503.06 of the Revised Code;</u>	34982
	34983
	34984
	34985
<u>(b) The percentage from the appropriate schedule in division (D)(1)(b) of section 4503.06 of the Revised Code;</u>	34986
	34987
<u>(c) The assessment percentage of forty per cent used in division (D)(1)(b) of section 4503.06 of the Revised Code;</u>	34988
	34989
<u>(d) The effective tax rate of the taxing district in which the home has its situs.</u>	34990
	34991
<u>(C) If the owner or the spouse of the owner of a manufactured</u>	34992

or mobile home is eligible for a homestead exemption on the land 34993
upon which the home is located, the reduction ~~in assessable value~~ 34994
to which the owner or spouse is entitled under this section shall 34995
not exceed the difference between the reduction ~~in assessable~~ 34996
~~value~~ to which the owner or spouse is entitled under ~~column A of~~ 34997
~~the above schedule~~ division (B) of this section and the amount of 34998
the reduction ~~in taxable value that was used to compute~~ under the 34999
homestead exemption. 35000

(D) No reduction shall be made ~~on the assessable value of~~ 35001
with respect to the home of any person convicted of violating 35002
division (C) or (D) of section 4503.066 of the Revised Code for a 35003
period of three years following the conviction. 35004

Sec. 4503.066. (A)(1) To obtain a tax reduction ~~in the~~ 35005
~~assessable value of a manufactured or mobile home~~ under section 35006
4503.065 of the Revised Code, the owner of the home shall file an 35007
application with the county auditor of the county in which the 35008
home is located. An application for reduction in ~~assessable value~~ 35009
taxes based upon a physical disability shall be accompanied by a 35010
certificate signed by a physician, and an application for 35011
reduction in ~~assessable value~~ taxes based upon a mental disability 35012
shall be accompanied by a certificate signed by a physician or 35013
psychologist licensed to practice in this state. The certificate 35014
shall attest to the fact that the applicant is permanently and 35015
totally disabled, shall be in a form that the department of 35016
taxation requires, and shall include the definition of totally and 35017
permanently disabled as set forth in section 4503.064 of the 35018
Revised Code. An application for reduction in ~~assessable value~~ 35019
taxes based upon a disability certified as permanent and total by 35020
a state or federal agency having the function of so classifying 35021
persons shall be accompanied by a certificate from that agency. 35022

(2) Each application shall constitute a continuing 35023

application for a reduction in ~~assessable value~~ taxes for each 35024
year in which the manufactured or mobile home is occupied by the 35025
applicant ~~and in which the amount of the reduction in assessable~~ 35026
~~value does not exceed either the amount or per cent of the~~ 35027
~~reduction for the year in which the application was first filed.~~ 35028
Failure to receive a new application or notification under 35029
division (B) of this section after a certificate of reduction has 35030
been issued under section 4503.067 of the Revised Code is 35031
prima-facie evidence that the original applicant is entitled to 35032
the reduction ~~in assessable value~~ calculated on the basis of the 35033
information contained in the original application. The original 35034
application and any subsequent application shall be in the form of 35035
a signed statement and shall be filed not later than the first 35036
Monday in June. The statement shall be on a form, devised and 35037
supplied by the tax commissioner, that shall require no more 35038
information than is necessary to establish the applicant's 35039
eligibility for the reduction in ~~assessable value~~ taxes and the 35040
amount of the reduction to which the applicant is entitled. ~~The~~ 35041
~~form shall contain a statement that signing such application~~ 35042
~~constitutes a delegation of authority by the applicant to the~~ 35043
~~county auditor to examine any financial records that relate to~~ 35044
~~income earned by the applicant as stated on the application for~~ 35045
~~the purpose of determining eligibility under, or possible~~ 35046
~~violation of, division (C) or (D) of this section.~~ The form also 35047
shall contain a statement that conviction of willfully falsifying 35048
information to obtain a reduction in ~~assessable value~~ taxes or 35049
failing to comply with division (B) of this section shall result 35050
in the revocation of the right to the reduction for a period of 35051
three years. 35052

(3) A late application for a reduction in ~~assessable value~~ 35053
taxes for the year preceding the year for which an original 35054
application is filed may be filed with an original application. If 35055
the auditor determines that the information contained in the late 35056

application is correct, the auditor shall determine both the 35057
amount of the reduction in ~~assessable value~~ taxes to which the 35058
applicant would have been entitled for the current tax year had 35059
the application been timely filed and approved in the preceding 35060
year, and the amount the taxes levied under section 4503.06 of the 35061
Revised Code for the current year would have been reduced as a 35062
result of the reduction ~~in assessable value~~. When an applicant is 35063
permanently and totally disabled on the first day of January of 35064
the year in which the applicant files a late application, the 35065
auditor, in making the determination of the amounts of the 35066
reduction in ~~assessable value and~~ taxes under division (A)(3) of 35067
this section, is not required to determine that the applicant was 35068
permanently and totally disabled on the first day of January of 35069
the preceding year. 35070

The amount of the reduction in taxes pursuant to a late 35071
application shall be treated as an overpayment of taxes by the 35072
applicant. The auditor shall credit the amount of the overpayment 35073
against the amount of the taxes or penalties then due from the 35074
applicant, and, at the next succeeding settlement, the amount of 35075
the credit shall be deducted from the amount of any taxes or 35076
penalties distributable to the county or any taxing unit in the 35077
county that has received the benefit of the taxes or penalties 35078
previously overpaid, in proportion to the benefits previously 35079
received. If, after the credit has been made, there remains a 35080
balance of the overpayment, or if there are no taxes or penalties 35081
due from the applicant, the auditor shall refund that balance to 35082
the applicant by a warrant drawn on the county treasurer in favor 35083
of the applicant. The treasurer shall pay the warrant from the 35084
general fund of the county. If there is insufficient money in the 35085
general fund to make the payment, the treasurer shall pay the 35086
warrant out of any undivided manufactured or mobile home taxes 35087
subsequently received by the treasurer for distribution to the 35088
county or taxing district in the county that received the benefit 35089

of the overpaid taxes, in proportion to the benefits previously 35090
received, and the amount paid from the undivided funds shall be 35091
deducted from the money otherwise distributable to the county or 35092
taxing district in the county at the next or any succeeding 35093
distribution. At the next or any succeeding distribution after 35094
making the refund, the treasurer shall reimburse the general fund 35095
for any payment made from that fund by deducting the amount of 35096
that payment from the money distributable to the county or other 35097
taxing unit in the county that has received the benefit of the 35098
taxes, in proportion to the benefits previously received. On the 35099
second Monday in September of each year, the county auditor shall 35100
certify the total amount of the reductions in taxes made in the 35101
current year under division (A)(3) of this section to the tax 35102
commissioner who shall treat that amount as a reduction in taxes 35103
for the current tax year and shall make reimbursement to the 35104
county of that amount in the manner prescribed in section 4503.068 35105
of the Revised Code, from moneys appropriated for that purpose. 35106

(B) If in any year after an application has been filed under 35107
division (A) of this section the owner no longer qualifies for the 35108
reduction in ~~assessable value~~ taxes for which the owner was issued 35109
a certificate ~~or qualifies for a reduction that is less than~~ 35110
~~either the per cent or amount of the reduction to which the owner~~ 35111
~~was entitled in the year the application was filed,~~ the owner 35112
shall notify the county auditor that the owner is not qualified 35113
for a reduction in ~~the assessable value of the home or file a new~~ 35114
~~application under division (A) of this section~~ taxes. 35115

During January of each year, the county auditor shall furnish 35116
each person issued a certificate of reduction ~~in value,~~ by 35117
ordinary mail, a form on which to report any ~~changes in total~~ 35118
~~income that would have the effect of increasing or decreasing the~~ 35119
~~reduction to which the person is entitled,~~ changes in ownership of 35120
the home, including changes in or revocation of a revocable inter 35121

vivos trust, changes in disability, and other changes in the 35122
information earlier furnished the auditor relative to the 35123
application. ~~The form shall be completed and returned to the~~ 35124
~~auditor not later than the first Monday in June if the changes~~ 35125
~~would affect the level of reduction in assessable value.~~ 35126

(C) No person shall knowingly make a false statement for the 35127
purpose of obtaining a reduction in ~~assessable value~~ taxes under 35128
section 4503.065 of the Revised Code. 35129

(D) No person shall knowingly fail to notify the county 35130
auditor of any change required by division (B) of this section 35131
that has the effect of maintaining or securing a reduction in 35132
~~assessable value of the home in excess of the reduction allowed~~ 35133
taxes under section 4503.065 of the Revised Code. 35134

(E) No person shall knowingly make a false statement or 35135
certification attesting to any person's physical or mental 35136
condition for purposes of qualifying such person for tax relief 35137
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 35138

(F) Whoever violates division (C), (D), or (E) of this 35139
section is guilty of a misdemeanor of the fourth degree. 35140

Sec. 4503.067. (A) At the same time the tax bill for the 35141
first half of the tax year is issued, the county auditor shall 35142
issue a certificate of reduction in ~~assessable value of~~ taxes for 35143
a manufactured or mobile home in triplicate for each person who 35144
has complied with section 4503.066 of the Revised Code and been 35145
found by the auditor to be entitled to a reduction ~~of assessable~~ 35146
value in taxes for the succeeding tax year. The certificate shall 35147
set forth the ~~assessable value of the home calculated under~~ 35148
~~section 4503.06 of the Revised Code and the amount of the~~ 35149
reduction in ~~assessable value of the home~~ taxes calculated under 35150
section 4503.065 of the Revised Code. Upon issuance of the 35151
certificate, the auditor shall reduce the ~~assessable value of~~ 35152

manufactured home tax levied on the home for the succeeding tax 35153
year by the required amount and forward the original and one copy 35154
of the certificate to the county treasurer. The auditor shall 35155
retain one copy of the certificate. The treasurer shall retain the 35156
original certificate and forward the remaining copy to the 35157
recipient with the tax bill delivered pursuant to division (D)(6) 35158
of section 4503.06 of the Revised Code. 35159

(B) If the application or a continuing application is not 35160
approved, the auditor shall notify the applicant of the reasons 35161
for denial no later than the first Monday in October. If a person 35162
believes that the person's application for reduction in ~~assessable~~ 35163
~~value of a home~~ taxes has been improperly denied or is for less 35164
than that to which the person is entitled, the person may file an 35165
appeal with the county board of revision no later than the 35166
thirty-first day of January of the following calendar year. The 35167
appeal shall be treated in the same manner as a complaint relating 35168
to the valuation or assessment of real property under Chapter 35169
5715. of the Revised Code. 35170

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 35171
motorcycle, and all-purpose vehicle required to be registered 35172
under section 4519.02 of the Revised Code shall file an 35173
application for registration under section 4519.03 of the Revised 35174
Code. The owner of a motor vehicle, other than a snowmobile, 35175
off-highway motorcycle, or all-purpose vehicle, that is not 35176
designed and constructed by the manufacturer for operation on a 35177
street or highway may not register it under this chapter except 35178
upon certification of inspection pursuant to section 4513.02 of 35179
the Revised Code by the sheriff, or the chief of police of the 35180
municipal corporation or township, with jurisdiction over the 35181
political subdivision in which the owner of the motor vehicle 35182
resides. Except as provided in section 4503.103 of the Revised 35183
Code, every owner of every other motor vehicle not previously 35184

described in this section and every person mentioned as owner in 35185
the last certificate of title of a motor vehicle that is operated 35186
or driven upon the public roads or highways shall cause to be 35187
filed each year, by mail or otherwise, in the office of the 35188
registrar of motor vehicles or a deputy registrar, a written or 35189
electronic application or a preprinted registration renewal notice 35190
issued under section 4503.102 of the Revised Code, the form of 35191
which shall be prescribed by the registrar, for registration for 35192
the following registration year, which shall begin on the first 35193
day of January of every calendar year and end on the thirty-first 35194
day of December in the same year. Applications for registration 35195
and registration renewal notices shall be filed at the times 35196
established by the registrar pursuant to section 4503.101 of the 35197
Revised Code. A motor vehicle owner also may elect to apply for or 35198
renew a motor vehicle registration by electronic means using 35199
electronic signature in accordance with rules adopted by the 35200
registrar. Except as provided in division (J) of this section, 35201
applications for registration shall be made on blanks furnished by 35202
the registrar for that purpose, containing the following 35203
information: 35204

(1) A brief description of the motor vehicle to be 35205
registered, including the year, make, model, and vehicle 35206
identification number, and, in the case of commercial cars, the 35207
gross weight of the vehicle fully equipped computed in the manner 35208
prescribed in section 4503.08 of the Revised Code; 35209

(2) The name and residence address of the owner, and the 35210
township and municipal corporation in which the owner resides; 35211

(3) The district of registration, which shall be determined 35212
as follows: 35213

(a) In case the motor vehicle to be registered is used for 35214
hire or principally in connection with any established business or 35215
branch business, conducted at a particular place, the district of 35216

registration is the municipal corporation in which that place is 35217
located or, if not located in any municipal corporation, the 35218
county and township in which that place is located. 35219

(b) In case the vehicle is not so used, the district of 35220
registration is the municipal corporation or county in which the 35221
owner resides at the time of making the application. 35222

(4) Whether the motor vehicle is a new or used motor vehicle; 35223

(5) The date of purchase of the motor vehicle; 35224

(6) Whether the fees required to be paid for the registration 35225
or transfer of the motor vehicle, during the preceding 35226
registration year and during the preceding period of the current 35227
registration year, have been paid. Each application for 35228
registration shall be signed by the owner, either manually or by 35229
electronic signature, or pursuant to obtaining a limited power of 35230
attorney authorized by the registrar for registration, or other 35231
document authorizing such signature. If the owner elects to apply 35232
for or renew the motor vehicle registration with the registrar by 35233
electronic means, the owner's manual signature is not required. 35234

(7) The owner's social security number, if assigned, or, 35235
where a motor vehicle to be registered is used for hire or 35236
principally in connection with any established business, the 35237
owner's federal taxpayer identification number. The bureau of 35238
motor vehicles shall retain in its records all social security 35239
numbers provided under this section, but the bureau shall not 35240
place social security numbers on motor vehicle certificates of 35241
registration. 35242

(B) Except as otherwise provided in this division, each time 35243
an applicant first registers a motor vehicle in the applicant's 35244
name, the applicant shall present for inspection a physical 35245
certificate of title or memorandum certificate showing title to 35246
the motor vehicle to be registered in the name of the applicant if 35247

a physical certificate of title or memorandum certificate has been 35248
issued by a clerk of a court of common pleas. If, under sections 35249
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 35250
instead has issued an electronic certificate of title for the 35251
applicant's motor vehicle, that certificate may be presented for 35252
inspection at the time of first registration in a manner 35253
prescribed by rules adopted by the registrar. An applicant is not 35254
required to present a certificate of title to an electronic motor 35255
vehicle dealer acting as a limited authority deputy registrar in 35256
accordance with rules adopted by the registrar. When a motor 35257
vehicle inspection and maintenance program is in effect under 35258
section 3704.14 of the Revised Code and rules adopted under it, 35259
each application for registration for a vehicle required to be 35260
inspected under that section and those rules shall be accompanied 35261
by an inspection certificate for the motor vehicle issued in 35262
accordance with that section. The application shall be refused if 35263
any of the following applies: 35264

(1) The application is not in proper form. 35265

(2) The application is prohibited from being accepted by 35266
division (D) of section 2935.27, division (A) of section 2937.221, 35267
division (A) of section 4503.13, division (B) of section 4510.22, 35268
or division (B)(1) of section 4521.10 of the Revised Code. 35269

(3) A certificate of title or memorandum certificate of title 35270
is required but does not accompany the application or, in the case 35271
of an electronic certificate of title, is required but is not 35272
presented in a manner prescribed by the registrar's rules. 35273

(4) All registration and transfer fees for the motor vehicle, 35274
for the preceding year or the preceding period of the current 35275
registration year, have not been paid. 35276

(5) The owner or lessee does not have an inspection 35277
certificate for the motor vehicle as provided in section 3704.14 35278

of the Revised Code, and rules adopted under it, if that section 35279
is applicable. 35280

This section does not require the payment of license or 35281
registration taxes on a motor vehicle for any preceding year, or 35282
for any preceding period of a year, if the motor vehicle was not 35283
taxable for that preceding year or period under sections 4503.02, 35284
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 35285
Revised Code. When a certificate of registration is issued upon 35286
the first registration of a motor vehicle by or on behalf of the 35287
owner, the official issuing the certificate shall indicate the 35288
issuance with a stamp on the certificate of title or memorandum 35289
certificate or, in the case of an electronic certificate of title, 35290
an electronic stamp or other notation as specified in rules 35291
adopted by the registrar, and with a stamp on the inspection 35292
certificate for the motor vehicle, if any. The official also shall 35293
indicate, by a stamp or by other means the registrar prescribes, 35294
on the registration certificate issued upon the first registration 35295
of a motor vehicle by or on behalf of the owner the odometer 35296
reading of the motor vehicle as shown in the odometer statement 35297
included in or attached to the certificate of title. Upon each 35298
subsequent registration of the motor vehicle by or on behalf of 35299
the same owner, the official also shall so indicate the odometer 35300
reading of the motor vehicle as shown on the immediately preceding 35301
certificate of registration. 35302

The registrar shall include in the permanent registration 35303
record of any vehicle required to be inspected under section 35304
3704.14 of the Revised Code the inspection certificate number from 35305
the inspection certificate that is presented at the time of 35306
registration of the vehicle as required under this division. 35307

(C)(1) Commencing with each registration renewal with an 35308
expiration date on or after October 1, 2003, and for each initial 35309
application for registration received on and after that date, the 35310

registrar and each deputy registrar shall collect an additional 35311
fee of eleven dollars for each application for registration and 35312
registration renewal received. The additional fee is for the 35313
purpose of defraying the department of public safety's costs 35314
associated with the administration and enforcement of the motor 35315
vehicle and traffic laws of Ohio. Each deputy registrar shall 35316
transmit the fees collected under division (C)(1) of this section 35317
in the time and manner provided in this section. The registrar 35318
shall deposit all moneys received under division (C)(1) of this 35319
section into the state highway safety fund established in section 35320
4501.06 of the Revised Code. 35321

(2) In addition, a charge of twenty-five cents shall be made 35322
for each reflectorized safety license plate issued, and a single 35323
charge of twenty-five cents shall be made for each county 35324
identification sticker or each set of county identification 35325
stickers issued, as the case may be, to cover the cost of 35326
producing the license plates and stickers, including material, 35327
manufacturing, and administrative costs. Those fees shall be in 35328
addition to the license tax. If the total cost of producing the 35329
plates is less than twenty-five cents per plate, or if the total 35330
cost of producing the stickers is less than twenty-five cents per 35331
sticker or per set issued, any excess moneys accruing from the 35332
fees shall be distributed in the same manner as provided by 35333
section 4501.04 of the Revised Code for the distribution of 35334
license tax moneys. If the total cost of producing the plates 35335
exceeds twenty-five cents per plate, or if the total cost of 35336
producing the stickers exceeds twenty-five cents per sticker or 35337
per set issued, the difference shall be paid from the license tax 35338
moneys collected pursuant to section 4503.02 of the Revised Code. 35339

(D) Each deputy registrar shall be allowed a fee of two 35340
dollars and seventy-five cents commencing on July 1, 2001, three 35341
dollars and twenty-five cents commencing on January 1, 2003, and 35342

three dollars and fifty cents commencing on January 1, 2004, for 35343
each application for registration and registration renewal notice 35344
the deputy registrar receives, which shall be for the purpose of 35345
compensating the deputy registrar for the deputy registrar's 35346
services, and such office and rental expenses, as may be necessary 35347
for the proper discharge of the deputy registrar's duties in the 35348
receiving of applications and renewal notices and the issuing of 35349
registrations. 35350

(E) Upon the certification of the registrar, the county 35351
sheriff or local police officials shall recover license plates 35352
erroneously or fraudulently issued. 35353

(F) Each deputy registrar, upon receipt of any application 35354
for registration or registration renewal notice, together with the 35355
license fee and any local motor vehicle license tax levied 35356
pursuant to Chapter 4504. of the Revised Code, shall transmit that 35357
fee and tax, if any, in the manner provided in this section, 35358
together with the original and duplicate copy of the application, 35359
to the registrar. The registrar, subject to the approval of the 35360
director of public safety, may deposit the funds collected by 35361
those deputies in a local bank or depository to the credit of the 35362
"state of Ohio, bureau of motor vehicles." Where a local bank or 35363
depository has been designated by the registrar, each deputy 35364
registrar shall deposit all moneys collected by the deputy 35365
registrar into that bank or depository not more than one business 35366
day after their collection and shall make reports to the registrar 35367
of the amounts so deposited, together with any other information, 35368
some of which may be prescribed by the treasurer of state, as the 35369
registrar may require and as prescribed by the registrar by rule. 35370
The registrar, within three days after receipt of notification of 35371
the deposit of funds by a deputy registrar in a local bank or 35372
depository, shall draw on that account in favor of the treasurer 35373
of state. The registrar, subject to the approval of the director 35374

and the treasurer of state, may make reasonable rules necessary 35375
for the prompt transmittal of fees and for safeguarding the 35376
interests of the state and of counties, townships, municipal 35377
corporations, and transportation improvement districts levying 35378
local motor vehicle license taxes. The registrar may pay service 35379
charges usually collected by banks and depositories for such 35380
service. If deputy registrars are located in communities where 35381
banking facilities are not available, they shall transmit the fees 35382
forthwith, by money order or otherwise, as the registrar, by rule 35383
approved by the director and the treasurer of state, may 35384
prescribe. The registrar may pay the usual and customary fees for 35385
such service. 35386

(G) This section does not prevent any person from making an 35387
application for a motor vehicle license directly to the registrar 35388
by mail, by electronic means, or in person at any of the 35389
registrar's offices, upon payment of a service fee of two dollars 35390
and seventy-five cents commencing on July 1, 2001, three dollars 35391
and twenty-five cents commencing on January 1, 2003, and three 35392
dollars and fifty cents commencing on January 1, 2004, for each 35393
application. 35394

(H) No person shall make a false statement as to the district 35395
of registration in an application required by division (A) of this 35396
section. Violation of this division is falsification under section 35397
2921.13 of the Revised Code and punishable as specified in that 35398
section. 35399

(I)(1) Where applicable, the requirements of division (B) of 35400
this section relating to the presentation of an inspection 35401
certificate issued under section 3704.14 of the Revised Code and 35402
rules adopted under it for a motor vehicle, the refusal of a 35403
license for failure to present an inspection certificate, and the 35404
stamping of the inspection certificate by the official issuing the 35405
certificate of registration apply to the registration of and 35406

issuance of license plates for a motor vehicle under sections 35407
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 35408
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 35409
4503.47, and 4503.51 of the Revised Code. 35410

(2)(a) The registrar shall adopt rules ensuring that each 35411
owner registering a motor vehicle in a county where a motor 35412
vehicle inspection and maintenance program is in effect under 35413
section 3704.14 of the Revised Code and rules adopted under it 35414
receives information about the requirements established in that 35415
section and those rules and about the need in those counties to 35416
present an inspection certificate with an application for 35417
registration or preregistration. 35418

(b) Upon request, the registrar shall provide the director of 35419
environmental protection, or any person that has been awarded a 35420
contract under ~~division (D)~~ of section 3704.14 of the Revised 35421
Code, an on-line computer data link to registration information 35422
for all passenger cars, noncommercial motor vehicles, and 35423
commercial cars that are subject to that section. The registrar 35424
also shall provide to the director of environmental protection a 35425
magnetic data tape containing registration information regarding 35426
passenger cars, noncommercial motor vehicles, and commercial cars 35427
for which a multi-year registration is in effect under section 35428
4503.103 of the Revised Code or rules adopted under it, including, 35429
without limitation, the date of issuance of the multi-year 35430
registration, the registration deadline established under rules 35431
adopted under section 4503.101 of the Revised Code that was 35432
applicable in the year in which the multi-year registration was 35433
issued, and the registration deadline for renewal of the 35434
multi-year registration. 35435

(J) Application for registration under the international 35436
registration plan, as set forth in sections 4503.60 to 4503.66 of 35437
the Revised Code, shall be made to the registrar on forms 35438

furnished by the registrar. In accordance with international 35439
registration plan guidelines and pursuant to rules adopted by the 35440
registrar, the forms shall include the following: 35441

(1) A uniform mileage schedule; 35442

(2) The gross vehicle weight of the vehicle or combined gross 35443
vehicle weight of the combination vehicle as declared by the 35444
registrant; 35445

(3) Any other information the registrar requires by rule. 35446

Sec. 4503.102. (A) The registrar of motor vehicles shall 35447
adopt rules to establish a centralized system of motor vehicle 35448
registration renewal by mail or by electronic means. Any person 35449
owning a motor vehicle that was registered in the person's name 35450
during the preceding registration year shall renew the 35451
registration of the motor vehicle not more than ninety days prior 35452
to the expiration date of the registration either by mail or by 35453
electronic means through the centralized system of registration 35454
established under this section, or in person at any office of the 35455
registrar or at a deputy registrar's office. 35456

(B)(1) No less than forty-five days prior to the expiration 35457
date of any motor vehicle registration, the registrar shall mail a 35458
renewal notice to the person in whose name the motor vehicle is 35459
registered. The renewal notice shall clearly state that the 35460
registration of the motor vehicle may be renewed by mail or 35461
electronic means through the centralized system of registration or 35462
in person at any office of the registrar or at a deputy 35463
registrar's office and shall be preprinted with information 35464
including, but not limited to, the owner's name and residence 35465
address as shown in the records of the bureau of motor vehicles, a 35466
brief description of the motor vehicle to be registered, notice of 35467
the license taxes and fees due on the motor vehicle, the toll-free 35468
telephone number of the registrar as required under division 35469

(D)(1) of section 4503.031 of the Revised Code, and any additional 35470
information the registrar may require by rule. The renewal notice 35471
shall be sent by regular mail to the owner's last known address as 35472
shown in the records of the bureau of motor vehicles. 35473

(2) If the application for renewal of the registration of a 35474
motor vehicle is prohibited from being accepted by the registrar 35475
or a deputy registrar by division (D) of section 2935.27, division 35476
(A) of section 2937.221, division (A) of section 4503.13, division 35477
(B) of section 4510.22, or division (B)(1) of section 4521.10 of 35478
the Revised Code, the registrar is not required to send a renewal 35479
notice to the vehicle owner or vehicle lessee. 35480

(C) The owner of the motor vehicle shall verify the 35481
information contained in the notice, sign it either manually or by 35482
electronic means, and return it, either by mail or electronic 35483
means, or the owner may take it in person to any office of the 35484
registrar or of a deputy registrar, together with a financial 35485
transaction device number, when permitted by rule of the 35486
registrar, check, or money order in the amount of the registration 35487
taxes and fees payable on the motor vehicle and a mail fee of two 35488
dollars and seventy-five cents commencing on July 1, 2001, three 35489
dollars and twenty-five cents commencing on January 1, 2003, and 35490
three dollars and fifty cents commencing on January 1, 2004, plus 35491
postage as indicated on the notice, if the registration is renewed 35492
by mail, and an inspection certificate for the motor vehicle as 35493
provided in section 3704.14 of the Revised Code. If the motor 35494
vehicle owner chooses to renew the motor vehicle registration by 35495
electronic means, the owner shall proceed in accordance with the 35496
rules the registrar adopts. 35497

(D) If all registration and transfer fees for the motor 35498
vehicle for the preceding year or the preceding period of the 35499
current registration year have not been paid, if division (D) of 35500
section 2935.27, division (A) of section 2937.221, division (A) of 35501

section 4503.13, division (B) of section 4510.22, or division 35502
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 35503
of the renewal notice, or if the owner or lessee does not have an 35504
inspection certificate for the motor vehicle as provided in 35505
section 3704.14 of the Revised Code, if that section is 35506
applicable, the license shall be refused, and the registrar or 35507
deputy registrar shall so notify the owner. This section does not 35508
require the payment of license or registration taxes on a motor 35509
vehicle for any preceding year, or for any preceding period of a 35510
year, if the motor vehicle was not taxable for that preceding year 35511
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 35512
4503.16 or Chapter 4504. of the Revised Code. 35513

(E)(1) Failure to receive a renewal notice does not relieve a 35514
motor vehicle owner from the responsibility to renew the 35515
registration for the motor vehicle. Any person who has a motor 35516
vehicle registered in this state and who does not receive a 35517
renewal notice as provided in division (B) of this section prior 35518
to the expiration date of the registration shall request an 35519
application for registration from the registrar or a deputy 35520
registrar and sign the application manually or by electronic means 35521
and submit the application and pay any applicable license taxes 35522
and fees to the registrar or deputy registrar. 35523

(2) If the owner of a motor vehicle submits an application 35524
for registration and the registrar is prohibited by division (D) 35525
of section 2935.27, division (A) of section 2937.221, division (A) 35526
of section 4503.13, division (B) of section 4510.22, or division 35527
(B)(1) of section 4521.10 of the Revised Code from accepting the 35528
application, the registrar shall return the application and the 35529
payment to the owner. If the owner of a motor vehicle submits a 35530
registration renewal application to the registrar by electronic 35531
means and the registrar is prohibited from accepting the 35532
application as provided in this division, the registrar shall 35533

notify the owner of this fact and deny the application and return 35534
the payment or give a credit on the financial transaction device 35535
account of the owner in the manner the registrar prescribes by 35536
rule adopted pursuant to division (A) of this section. 35537

(F) Every deputy registrar shall post in a prominent place at 35538
the deputy's office a notice informing the public of the mail 35539
registration system required by this section and also shall post a 35540
notice that every owner of a motor vehicle and every chauffeur 35541
holding a certificate of registration is required to notify the 35542
registrar in writing of any change of residence within ten days 35543
after the change occurs. The notice shall be in such form as the 35544
registrar prescribes by rule. 35545

(G) The two dollars and seventy-five cents fee collected from 35546
July 1, 2001, through December 31, 2002, the three dollars and 35547
twenty-five cents fee collected from January 1, 2003, through 35548
December 31, 2003, and the three dollars and fifty cents fee 35549
collected after January 1, 2004, plus postage and any financial 35550
transaction device surcharge collected by the registrar for 35551
registration by mail, shall be paid to the credit of the state 35552
bureau of motor vehicles fund established by section 4501.25 of 35553
the Revised Code. 35554

(H)(1) Pursuant to section 113.40 of the Revised Code, the 35555
registrar may implement a program permitting payment of motor 35556
vehicle registration taxes and fees, driver's license and 35557
commercial driver's license fees, and any other taxes, fees, 35558
penalties, or charges imposed or levied by the state by means of a 35559
financial transaction device. The registrar may adopt rules as 35560
necessary for this purpose. 35561

(2) Commencing with deputy registrar contract awards that 35562
have a start date of July 1, 2008, and for all contract awards 35563
thereafter, the registrar shall incorporate in the review process 35564
a score for whether or not a proposer states that the proposer 35565

will accept payment by means of a financial transaction device, 35566
including credit cards and debit cards, for all department of 35567
public safety transactions conducted at that deputy registrar 35568
location. 35569

A deputy registrar shall not be required to accept payment by 35570
means of a financial transaction device unless the deputy 35571
registrar agreed to do so in the deputy registrar's contract. The 35572
bureau shall not be required to pay any costs incurred by a deputy 35573
registrar who accepts payment by means of a financial transaction 35574
device that result from the deputy registrar accepting payment by 35575
means of a financial transaction device. 35576

(I) For persons who reside in counties where tailpipe 35577
emissions inspections are required under the motor vehicle 35578
inspection and maintenance program, the notice required by 35579
division (B) of this section shall also include the toll-free 35580
telephone number maintained by the Ohio environmental protection 35581
agency to provide information concerning the locations of 35582
emissions testing centers. 35583

Sec. 4503.35. (A) The motor vehicles furnished by the state 35584
for use by the elective state officials, and motor vehicles owned 35585
and operated by political subdivisions of the state, are exempt 35586
from section 4503.23 of the Revised Code. 35587

(B) The ~~motor~~ following vehicles are exempt from section 35588
4503.23 of the Revised Code: 35589

(1) Motor vehicles operated by troopers of the state highway 35590
patrol, ~~and motor;~~ 35591

(2) Motor vehicles operated by or on behalf of any person 35592
whose responsibilities include involvement in authorized civil or 35593
criminal investigations requiring that the presence and identity 35594
of the vehicle occupants be undisclosed, ~~are exempt from section~~ 35595

~~4503.23 of the Revised Code;~~ 35596

(3) Motor vehicles used to assist crime victims when a state 35597
agency determines that the situation warrants it. 35598

Sec. 4505.06. (A)(1) Application for a certificate of title 35599
shall be made in a form prescribed by the registrar of motor 35600
vehicles and shall be sworn to before a notary public or other 35601
officer empowered to administer oaths. The application shall be 35602
filed with the clerk of any court of common pleas. An application 35603
for a certificate of title may be filed electronically by any 35604
electronic means approved by the registrar in any county with the 35605
clerk of the court of common pleas of that county. Any payments 35606
required by this chapter shall be considered as accompanying any 35607
electronically transmitted application when payment actually is 35608
received by the clerk. Payment of any fee or taxes may be made by 35609
electronic transfer of funds. 35610

(2) The application for a certificate of title shall be 35611
accompanied by the fee prescribed in section 4505.09 of the 35612
Revised Code. The fee shall be retained by the clerk who issues 35613
the certificate of title and shall be distributed in accordance 35614
with that section. If a clerk of a court of common pleas, other 35615
than the clerk of the court of common pleas of an applicant's 35616
county of residence, issues a certificate of title to the 35617
applicant, the clerk shall transmit data related to the 35618
transaction to the automated title processing system. 35619

(3) If a certificate of title previously has been issued for 35620
a motor vehicle in this state, the application for a certificate 35621
of title also shall be accompanied by that certificate of title 35622
duly assigned, unless otherwise provided in this chapter. If a 35623
certificate of title previously has not been issued for the motor 35624
vehicle in this state, the application, unless otherwise provided 35625
in this chapter, shall be accompanied by a manufacturer's or 35626

importer's certificate or by a certificate of title of another 35627
state from which the motor vehicle was brought into this state. If 35628
the application refers to a motor vehicle last previously 35629
registered in another state, the application also shall be 35630
accompanied by the physical inspection certificate required by 35631
section 4505.061 of the Revised Code. If the application is made 35632
by two persons regarding a motor vehicle in which they wish to 35633
establish joint ownership with right of survivorship, they may do 35634
so as provided in section 2131.12 of the Revised Code. If the 35635
applicant requests a designation of the motor vehicle in 35636
beneficiary form so that upon the death of the owner of the motor 35637
vehicle, ownership of the motor vehicle will pass to a designated 35638
transfer-on-death beneficiary or beneficiaries, the applicant may 35639
do so as provided in section 2131.13 of the Revised Code. A person 35640
who establishes ownership of a motor vehicle that is transferable 35641
on death in accordance with section 2131.13 of the Revised Code 35642
may terminate that type of ownership or change the designation of 35643
the transfer-on-death beneficiary or beneficiaries by applying for 35644
a certificate of title pursuant to this section. The clerk shall 35645
retain the evidence of title presented by the applicant and on 35646
which the certificate of title is issued, except that, if an 35647
application for a certificate of title is filed electronically by 35648
an electronic motor vehicle dealer on behalf of the purchaser of a 35649
motor vehicle, the clerk shall retain the completed electronic 35650
record to which the dealer converted the certificate of title 35651
application and other required documents. The registrar, after 35652
consultation with the attorney general, shall adopt rules that 35653
govern the location at which, and the manner in which, are stored 35654
the actual application and all other documents relating to the 35655
sale of a motor vehicle when an electronic motor vehicle dealer 35656
files the application for a certificate of title electronically on 35657
behalf of the purchaser. 35658

The clerk shall use reasonable diligence in ascertaining 35659

whether or not the facts in the application for a certificate of 35660
title are true by checking the application and documents 35661
accompanying it or the electronic record to which a dealer 35662
converted the application and accompanying documents with the 35663
records of motor vehicles in the clerk's office. If the clerk is 35664
satisfied that the applicant is the owner of the motor vehicle and 35665
that the application is in the proper form, the clerk, within five 35666
business days after the application is filed and except as 35667
provided in section 4505.021 of the Revised Code, shall issue a 35668
physical certificate of title over the clerk's signature and 35669
sealed with the clerk's seal, unless the applicant specifically 35670
requests the clerk not to issue a physical certificate of title 35671
and instead to issue an electronic certificate of title. For 35672
purposes of the transfer of a certificate of title, if the clerk 35673
is satisfied that the secured party has duly discharged a lien 35674
notation but has not canceled the lien notation with a clerk, the 35675
clerk may cancel the lien notation on the automated title 35676
processing system and notify the clerk of the county of origin. 35677

(4) In the case of the sale of a motor vehicle to a general 35678
buyer or user by a dealer, by a motor vehicle leasing dealer 35679
selling the motor vehicle to the lessee or, in a case in which the 35680
leasing dealer subleased the motor vehicle, the sublessee, at the 35681
end of the lease agreement or sublease agreement, or by a 35682
manufactured home broker, the certificate of title shall be 35683
obtained in the name of the buyer by the dealer, leasing dealer, 35684
or manufactured home broker, as the case may be, upon application 35685
signed by the buyer. The certificate of title shall be issued, or 35686
the process of entering the certificate of title application 35687
information into the automated title processing system if a 35688
physical certificate of title is not to be issued shall be 35689
completed, within five business days after the application for 35690
title is filed with the clerk. If the buyer of the motor vehicle 35691
previously leased the motor vehicle and is buying the motor 35692

vehicle at the end of the lease pursuant to that lease, the 35693
certificate of title shall be obtained in the name of the buyer by 35694
the motor vehicle leasing dealer who previously leased the motor 35695
vehicle to the buyer or by the motor vehicle leasing dealer who 35696
subleased the motor vehicle to the buyer under a sublease 35697
agreement. 35698

In all other cases, except as provided in section 4505.032 35699
and division (D)(2) of section 4505.11 of the Revised Code, such 35700
certificates shall be obtained by the buyer. 35701

(5)(a)(i) If the certificate of title is being obtained in 35702
the name of the buyer by a motor vehicle dealer or motor vehicle 35703
leasing dealer and there is a security interest to be noted on the 35704
certificate of title, the dealer or leasing dealer shall submit 35705
the application for the certificate of title and payment of the 35706
applicable tax to a clerk within seven business days after the 35707
later of the delivery of the motor vehicle to the buyer or the 35708
date the dealer or leasing dealer obtains the manufacturer's or 35709
importer's certificate, or certificate of title issued in the name 35710
of the dealer or leasing dealer, for the motor vehicle. Submission 35711
of the application for the certificate of title and payment of the 35712
applicable tax within the required seven business days may be 35713
indicated by postmark or receipt by a clerk within that period. 35714

(ii) Upon receipt of the certificate of title with the 35715
security interest noted on its face, the dealer or leasing dealer 35716
shall forward the certificate of title to the secured party at the 35717
location noted in the financing documents or otherwise specified 35718
by the secured party. 35719

(iii) A motor vehicle dealer or motor vehicle leasing dealer 35720
is liable to a secured party for a late fee of ten dollars per day 35721
for each certificate of title application and payment of the 35722
applicable tax that is submitted to a clerk more than seven 35723
business days but less than twenty-one days after the later of the 35724

delivery of the motor vehicle to the buyer or the date the dealer 35725
or leasing dealer obtains the manufacturer's or importer's 35726
certificate, or certificate of title issued in the name of the 35727
dealer or leasing dealer, for the motor vehicle and, from then on, 35728
twenty-five dollars per day until the application and applicable 35729
tax are submitted to a clerk. 35730

(b) In all cases of transfer of a motor vehicle, the 35731
application for certificate of title shall be filed within thirty 35732
days after the assignment or delivery of the motor vehicle. If an 35733
application for a certificate of title is not filed within the 35734
period specified in division (A)(5)(b) of this section, the clerk 35735
shall collect a fee of five dollars for the issuance of the 35736
certificate, except that no such fee shall be required from a 35737
motor vehicle salvage dealer, as defined in division (A) of 35738
section 4738.01 of the Revised Code, who immediately surrenders 35739
the certificate of title for cancellation. The fee shall be in 35740
addition to all other fees established by this chapter, and shall 35741
be retained by the clerk. The registrar shall provide, on the 35742
certificate of title form prescribed by section 4505.07 of the 35743
Revised Code, language necessary to give evidence of the date on 35744
which the assignment or delivery of the motor vehicle was made. 35745

(6) As used in division (A) of this section, "lease 35746
agreement," "lessee," and "sublease agreement" have the same 35747
meanings as in section 4505.04 of the Revised Code. 35748

(B)(1) The clerk, except as provided in this section, shall 35749
refuse to accept for filing any application for a certificate of 35750
title and shall refuse to issue a certificate of title unless the 35751
dealer or manufactured home broker or the applicant, in cases in 35752
which the certificate shall be obtained by the buyer, submits with 35753
the application payment of the tax levied by or pursuant to 35754
Chapters 5739. and 5741. of the Revised Code based on the 35755
purchaser's county of residence. Upon payment of the tax in 35756

accordance with division (E) of this section, the clerk shall 35757
issue a receipt prescribed by the registrar and agreed upon by the 35758
tax commissioner showing payment of the tax or a receipt issued by 35759
the commissioner showing the payment of the tax. When submitting 35760
payment of the tax to the clerk, a dealer shall retain any 35761
discount to which the dealer is entitled under section 5739.12 of 35762
the Revised Code. 35763

(2) For receiving and disbursing such taxes paid to the clerk 35764
by a resident of the clerk's county, the clerk may retain a 35765
poundage fee of one and one one-hundredth per cent, and the clerk 35766
shall pay the poundage fee into the certificate of title 35767
administration fund created by section 325.33 of the Revised Code. 35768
The clerk shall not retain a poundage fee from payments of taxes 35769
by persons who do not reside in the clerk's county. 35770

A clerk, however, may retain from the taxes paid to the clerk 35771
an amount equal to the poundage fees associated with certificates 35772
of title issued by other clerks of courts of common pleas to 35773
applicants who reside in the first clerk's county. The registrar, 35774
in consultation with the tax commissioner and the clerks of the 35775
courts of common pleas, shall develop a report from the automated 35776
title processing system that informs each clerk of the amount of 35777
the poundage fees that the clerk is permitted to retain from those 35778
taxes because of certificates of title issued by the clerks of 35779
other counties to applicants who reside in the first clerk's 35780
county. 35781

(3) In the case of casual sales of motor vehicles, as defined 35782
in section 4517.01 of the Revised Code, the price for the purpose 35783
of determining the tax shall be the purchase price on the assigned 35784
certificate of title executed by the seller and filed with the 35785
clerk by the buyer on a form to be prescribed by the registrar, 35786
which shall be prima-facie evidence of the amount for the 35787
determination of the tax. 35788

(4) Each county clerk shall forward to the treasurer of state 35789
all sales and use tax collections resulting from sales of motor 35790
vehicles, off-highway motorcycles, and all-purpose vehicles during 35791
a calendar week on or before the Friday following the close of 35792
that week. If, on any Friday, the offices of the clerk of courts 35793
or the state are not open for business, the tax shall be forwarded 35794
to the treasurer of state on or before the next day on which the 35795
offices are open. Every remittance of tax under division (B)(4) of 35796
this section shall be accompanied by a remittance report in such 35797
form as the tax commissioner prescribes. Upon receipt of a tax 35798
remittance and remittance report, the treasurer of state shall 35799
date stamp the report and forward it to the tax commissioner. If 35800
the tax due for any week is not remitted by a clerk of courts as 35801
required under division (B)(4) of this section, the commissioner 35802
may require the clerk to forfeit the poundage fees for the sales 35803
made during that week. The treasurer of state may require the 35804
clerks of courts to transmit tax collections and remittance 35805
reports electronically. 35806

(C)(1) If the transferor indicates on the certificate of 35807
title that the odometer reflects mileage in excess of the designed 35808
mechanical limit of the odometer, the clerk shall enter the phrase 35809
"exceeds mechanical limits" following the mileage designation. If 35810
the transferor indicates on the certificate of title that the 35811
odometer reading is not the actual mileage, the clerk shall enter 35812
the phrase "nonactual: warning - odometer discrepancy" following 35813
the mileage designation. The clerk shall use reasonable care in 35814
transferring the information supplied by the transferor, but is 35815
not liable for any errors or omissions of the clerk or those of 35816
the clerk's deputies in the performance of the clerk's duties 35817
created by this chapter. 35818

The registrar shall prescribe an affidavit in which the 35819
transferor shall swear to the true selling price and, except as 35820

provided in this division, the true odometer reading of the motor 35821
vehicle. The registrar may prescribe an affidavit in which the 35822
seller and buyer provide information pertaining to the odometer 35823
reading of the motor vehicle in addition to that required by this 35824
section, as such information may be required by the United States 35825
secretary of transportation by rule prescribed under authority of 35826
subchapter IV of the "Motor Vehicle Information and Cost Savings 35827
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 35828

(2) Division (C)(1) of this section does not require the 35829
giving of information concerning the odometer and odometer reading 35830
of a motor vehicle when ownership of a motor vehicle is being 35831
transferred as a result of a bequest, under the laws of intestate 35832
succession, to a survivor pursuant to section 2106.18, 2131.12, or 35833
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 35834
beneficiaries pursuant to section 2131.13 of the Revised Code, in 35835
connection with the creation of a security interest or for a 35836
vehicle with a gross vehicle weight rating of more than sixteen 35837
thousand pounds. 35838

(D) When the transfer to the applicant was made in some other 35839
state or in interstate commerce, the clerk, except as provided in 35840
this section, shall refuse to issue any certificate of title 35841
unless the tax imposed by or pursuant to Chapter 5741. of the 35842
Revised Code based on the purchaser's county of residence has been 35843
paid as evidenced by a receipt issued by the tax commissioner, or 35844
unless the applicant submits with the application payment of the 35845
tax. Upon payment of the tax in accordance with division (E) of 35846
this section, the clerk shall issue a receipt prescribed by the 35847
registrar and agreed upon by the tax commissioner, showing payment 35848
of the tax. 35849

For receiving and disbursing such taxes paid to the clerk by 35850
a resident of the clerk's county, the clerk may retain a poundage 35851
fee of one and one one-hundredth per cent. The clerk shall not 35852

retain a poundage fee from payments of taxes by persons who do not 35853
reside in the clerk's county. 35854

A clerk, however, may retain from the taxes paid to the clerk 35855
an amount equal to the poundage fees associated with certificates 35856
of title issued by other clerks of courts of common pleas to 35857
applicants who reside in the first clerk's county. The registrar, 35858
in consultation with the tax commissioner and the clerks of the 35859
courts of common pleas, shall develop a report from the automated 35860
title processing system that informs each clerk of the amount of 35861
the poundage fees that the clerk is permitted to retain from those 35862
taxes because of certificates of title issued by the clerks of 35863
other counties to applicants who reside in the first clerk's 35864
county. 35865

When the vendor is not regularly engaged in the business of 35866
selling motor vehicles, the vendor shall not be required to 35867
purchase a vendor's license or make reports concerning those 35868
sales. 35869

(E) The clerk shall accept any payment of a tax in cash, or 35870
by cashier's check, certified check, draft, money order, or teller 35871
check issued by any insured financial institution payable to the 35872
clerk and submitted with an application for a certificate of title 35873
under division (B) or (D) of this section. The clerk also may 35874
accept payment of the tax by corporate, business, or personal 35875
check, credit card, electronic transfer or wire transfer, debit 35876
card, or any other accepted form of payment made payable to the 35877
clerk. The clerk may require bonds, guarantees, or letters of 35878
credit to ensure the collection of corporate, business, or 35879
personal checks. Any service fee charged by a third party to a 35880
clerk for the use of any form of payment may be paid by the clerk 35881
from the certificate of title administration fund created in 35882
section 325.33 of the Revised Code, or may be assessed by the 35883
clerk upon the applicant as an additional fee. Upon collection, 35884

the additional fees shall be paid by the clerk into that 35885
certificate of title administration fund. 35886

The clerk shall make a good faith effort to collect any 35887
payment of taxes due but not made because the payment was returned 35888
or dishonored, but the clerk is not personally liable for the 35889
payment of uncollected taxes or uncollected fees. The clerk shall 35890
notify the tax commissioner of any such payment of taxes that is 35891
due but not made and shall furnish the information to the 35892
commissioner that the commissioner requires. The clerk shall 35893
deduct the amount of taxes due but not paid from the clerk's 35894
periodic remittance of tax payments, in accordance with procedures 35895
agreed upon by the tax commissioner. The commissioner may collect 35896
taxes due by assessment in the manner provided in section 5739.13 35897
of the Revised Code. 35898

Any person who presents payment that is returned or 35899
dishonored for any reason is liable to the clerk for payment of a 35900
penalty over and above the amount of the taxes due. The clerk 35901
shall determine the amount of the penalty, and the penalty shall 35902
be no greater than that amount necessary to compensate the clerk 35903
for banking charges, legal fees, or other expenses incurred by the 35904
clerk in collecting the returned or dishonored payment. The 35905
remedies and procedures provided in this section are in addition 35906
to any other available civil or criminal remedies. Subsequently 35907
collected penalties, poundage fees, and title fees, less any title 35908
fee due the state, from returned or dishonored payments collected 35909
by the clerk shall be paid into the certificate of title 35910
administration fund. Subsequently collected taxes, less poundage 35911
fees, shall be sent by the clerk to the treasurer of state at the 35912
next scheduled periodic remittance of tax payments, with 35913
information as the commissioner may require. The clerk may abate 35914
all or any part of any penalty assessed under this division. 35915

(F) In the following cases, the clerk shall accept for filing 35916

an application and shall issue a certificate of title without 35917
requiring payment or evidence of payment of the tax: 35918

(1) When the purchaser is this state or any of its political 35919
subdivisions, a church, or an organization whose purchases are 35920
exempted by section 5739.02 of the Revised Code; 35921

(2) When the transaction in this state is not a retail sale 35922
as defined by section 5739.01 of the Revised Code; 35923

(3) When the purchase is outside this state or in interstate 35924
commerce and the purpose of the purchaser is not to use, store, or 35925
consume within the meaning of section 5741.01 of the Revised Code; 35926

(4) When the purchaser is the federal government; 35927

(5) When the motor vehicle was purchased outside this state 35928
for use outside this state; 35929

(6) When the motor vehicle is purchased by a nonresident of 35930
~~this state for immediate removal from this state, and will be~~ 35931
~~permanently titled and registered in another state, as provided by~~ 35932
~~division (B)(23) of section 5739.02~~ under the circumstances 35933
described in division (B)(1) of section 5739.029 of the Revised 35934
Code, and upon presentation of a copy of the affidavit provided by 35935
that section, and a copy of the exemption certificate provided by 35936
section 5739.03 of the Revised Code. 35937

(G) An application, as prescribed by the registrar and agreed 35938
to by the tax commissioner, shall be filled out and sworn to by 35939
the buyer of a motor vehicle in a casual sale. The application 35940
shall contain the following notice in bold lettering: "WARNING TO 35941
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 35942
law to state the true selling price. A false statement is in 35943
violation of section 2921.13 of the Revised Code and is punishable 35944
by six months' imprisonment or a fine of up to one thousand 35945
dollars, or both. All transfers are audited by the department of 35946
taxation. The seller and buyer must provide any information 35947

requested by the department of taxation. The buyer may be assessed 35948
any additional tax found to be due." 35949

(H) For sales of manufactured homes or mobile homes occurring 35950
on or after January 1, 2000, the clerk shall accept for filing, 35951
pursuant to Chapter 5739. of the Revised Code, an application for 35952
a certificate of title for a manufactured home or mobile home 35953
without requiring payment of any tax pursuant to section 5739.02, 35954
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 35955
issued by the tax commissioner showing payment of the tax. For 35956
sales of manufactured homes or mobile homes occurring on or after 35957
January 1, 2000, the applicant shall pay to the clerk an 35958
additional fee of five dollars for each certificate of title 35959
issued by the clerk for a manufactured or mobile home pursuant to 35960
division (H) of section 4505.11 of the Revised Code and for each 35961
certificate of title issued upon transfer of ownership of the 35962
home. The clerk shall credit the fee to the county certificate of 35963
title administration fund, and the fee shall be used to pay the 35964
expenses of archiving those certificates pursuant to division (A) 35965
of section 4505.08 and division (H)(3) of section 4505.11 of the 35966
Revised Code. The tax commissioner shall administer any tax on a 35967
manufactured or mobile home pursuant to Chapters 5739. and 5741. 35968
of the Revised Code. 35969

(I) Every clerk shall have the capability to transact by 35970
electronic means all procedures and transactions relating to the 35971
issuance of motor vehicle certificates of title that are described 35972
in the Revised Code as being accomplished by electronic means. 35973

Sec. 4511.101. (A) The director of transportation, in 35974
accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as amended, 35975
shall establish a program for the placement of business logos for 35976
identification purposes on state directional signs within the 35977
rights-of-way of divided, multi-lane, limited access highways in 35978

both rural and urban areas. 35979

(B) All direct and indirect costs of the business logo sign 35980
program established pursuant to this section shall be fully paid 35981
by the businesses applying for participation in the program. At 35982
any interchange where a business logo sign is erected, such costs 35983
shall be divided equally among the participating businesses. The 35984
direct and indirect costs of the program shall include, but not be 35985
limited to, the cost of capital, directional signs, blanks, posts, 35986
logos, installation, repair, engineering, design, insurance, 35987
removal, replacement, and administration. Nothing in this chapter 35988
shall be construed to prohibit the director from establishing such 35989
a program. 35990

(C) The director, in accordance with rules adopted pursuant 35991
to Chapter 119. of the Revised Code, may contract with any private 35992
person to operate, maintain, and market the business logo sign 35993
program. The rules shall describe the terms of the contract, and 35994
shall allow for a reasonable profit to be earned by the successful 35995
applicant. In awarding the contract, the director shall consider 35996
the skill, expertise, prior experience, and other qualifications 35997
of each applicant. 35998

(D) As used in this section, "urban area" means an area 35999
having a population of fifty thousand or more according to the 36000
most recent federal census and designated as such on urban maps 36001
prepared by the department. 36002

(E) Neither the department nor the director shall do either 36003
of the following: 36004

(1) Limit the right of any person to erect, maintain, repair, 36005
remove, or utilize any off-premises or on-premises advertising 36006
device; 36007

(2) Make participation in the business logo sign program 36008
conditional upon a business agreeing to limit, discontinue, 36009

withdraw, modify, alter, or change any advertising or sign. 36010

(F) The program shall permit the business logo signs of a 36011
seller of motor vehicle fuel to include on the seller's signs a 36012
marking or symbol indicating that the seller sells one or more 36013
types of alternative fuel so long as the seller in fact sells that 36014
fuel. 36015

As used in this division, "alternative fuel" has the same 36016
meaning as in section 125.831 of the Revised Code. 36017

(G) The program shall permit the business logo signs of 36018
retail pharmacies open to the public if the business satisfies all 36019
of the following: 36020

(1) Operates continuously for twenty-four hours per day, 36021
seven days per week; 36022

(2) Has a pharmacist licensed under Chapter 4729. of the 36023
Revised Code on duty at all times; 36024

(3) Is located within three miles of an interchange of a 36025
divided, multi-lane, limited access highway; 36026

(4) Is directly accessible by the public. 36027

Sec. 4513.263. (A) As used in this section and in section 36028
4513.99 of the Revised Code: 36029

(1) "Automobile" means any commercial tractor, passenger car, 36030
commercial car, or truck that is required to be factory-equipped 36031
with an occupant restraining device for the operator or any 36032
passenger by regulations adopted by the United States secretary of 36033
transportation pursuant to the "National Traffic and Motor Vehicle 36034
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 36035

(2) "Occupant restraining device" means a seat safety belt, 36036
shoulder belt, harness, or other safety device for restraining a 36037
person who is an operator of or passenger in an automobile and 36038

that satisfies the minimum federal vehicle safety standards 36039
established by the United States department of transportation. 36040

(3) "Passenger" means any person in an automobile, other than 36041
its operator, who is occupying a seating position for which an 36042
occupant restraining device is provided. 36043

(4) "Commercial tractor," "passenger car," and "commercial 36044
car" have the same meanings as in section 4501.01 of the Revised 36045
Code. 36046

(5) "Vehicle" and "motor vehicle," as used in the definitions 36047
of the terms set forth in division (A)(4) of this section, have 36048
the same meanings as in section 4511.01 of the Revised Code. 36049

(6) "Tort action" means a civil action for damages for 36050
injury, death, or loss to person or property. "Tort action" 36051
includes a product liability claim, as defined in section 2307.71 36052
of the Revised Code, and an asbestos claim, as defined in section 36053
2307.91 of the Revised Code, but does not include a civil action 36054
for damages for breach of contract or another agreement between 36055
persons. 36056

(B) No person shall do any of the following: 36057

(1) Operate an automobile on any street or highway unless 36058
that person is wearing all of the available elements of a properly 36059
adjusted occupant restraining device, or operate a school bus that 36060
has an occupant restraining device installed for use in its 36061
operator's seat unless that person is wearing all of the available 36062
elements of the device, as properly adjusted; 36063

(2) Operate an automobile on any street or highway unless 36064
each passenger in the automobile who is subject to the requirement 36065
set forth in division (B)(3) of this section is wearing all of the 36066
available elements of a properly adjusted occupant restraining 36067
device; 36068

(3) Occupy, as a passenger, a seating position on the front 36069
seat of an automobile being operated on any street or highway 36070
unless that person is wearing all of the available elements of a 36071
properly adjusted occupant restraining device; 36072

(4) Operate a taxicab on any street or highway unless all 36073
factory-equipped occupant restraining devices in the taxicab are 36074
maintained in usable form. 36075

(C) Division (B)(3) of this section does not apply to a 36076
person who is required by section 4511.81 of the Revised Code to 36077
be secured in a child restraint device. Division (B)(1) of this 36078
section does not apply to a person who is an employee of the 36079
United States postal service or of a newspaper home delivery 36080
service, during any period in which the person is engaged in the 36081
operation of an automobile to deliver mail or newspapers to 36082
addressees. Divisions (B)(1) and (3) of this section do not apply 36083
to a person who has an affidavit signed by a physician licensed to 36084
practice in this state under Chapter 4731. of the Revised Code or 36085
a chiropractor licensed to practice in this state under Chapter 36086
4734. of the Revised Code that states that the person has a 36087
physical impairment that makes use of an occupant restraining 36088
device impossible or impractical. 36089

(D) Notwithstanding any provision of law to the contrary, no 36090
law enforcement officer shall cause an operator of an automobile 36091
being operated on any street or highway to stop the automobile for 36092
the sole purpose of determining whether a violation of division 36093
(B) of this section has been or is being committed or for the sole 36094
purpose of issuing a ticket, citation, or summons for a violation 36095
of that nature or causing the arrest of or commencing a 36096
prosecution of a person for a violation of that nature, and no law 36097
enforcement officer shall view the interior or visually inspect 36098
any automobile being operated on any street or highway for the 36099
sole purpose of determining whether a violation of that nature has 36100

been or is being committed. 36101

(E) All fines collected for violations of division (B) of 36102
this section, or for violations of any ordinance or resolution of 36103
a political subdivision that is substantively comparable to that 36104
division, shall be forwarded to the treasurer of state for deposit 36105
as follows: 36106

(1) Eight per cent shall be deposited into the seat belt 36107
education fund, which is hereby created in the state treasury, and 36108
shall be used by the department of public safety to establish a 36109
seat belt education program. 36110

(2) Eight per cent shall be deposited into the elementary 36111
school program fund, which is hereby created in the state 36112
treasury, and shall be used by the department of public safety to 36113
establish and administer elementary school programs that encourage 36114
seat safety belt use. 36115

(3) Two per cent shall be deposited into the ~~Ohio medical~~ 36116
~~transportation trust~~ occupational licensing and regulatory fund 36117
created by section ~~4766.05~~ 4743.05 of the Revised Code. 36118

(4) Twenty-eight per cent shall be deposited into the trauma 36119
and emergency medical services fund, which is hereby created in 36120
the state treasury, and shall be used by the department of public 36121
safety for the administration of the division of emergency medical 36122
services and the state board of emergency medical services. 36123

(5) Fifty-four per cent shall be deposited into the trauma 36124
and emergency medical services grants fund, which is hereby 36125
created in the state treasury, and shall be used by the state 36126
board of emergency medical services to make grants, in accordance 36127
with section 4765.07 of the Revised Code and rules the board 36128
adopts under section 4765.11 of the Revised Code. 36129

(F)(1) Subject to division (F)(2) of this section, the 36130
failure of a person to wear all of the available elements of a 36131

properly adjusted occupant restraining device in violation of 36132
division (B)(1) or (3) of this section or the failure of a person 36133
to ensure that each minor who is a passenger of an automobile 36134
being operated by that person is wearing all of the available 36135
elements of a properly adjusted occupant restraining device in 36136
violation of division (B)(2) of this section shall not be 36137
considered or used by the trier of fact in a tort action as 36138
evidence of negligence or contributory negligence. But, the trier 36139
of fact may determine based on evidence admitted consistent with 36140
the Ohio ~~rules~~ Rules of ~~evidence~~ Evidence that the failure 36141
contributed to the harm alleged in the tort action and may 36142
diminish a recovery of compensatory damages that represents 36143
noneconomic loss, as defined in section 2307.011 of the Revised 36144
Code, in a tort action that could have been recovered but for the 36145
plaintiff's failure to wear all of the available elements of a 36146
properly adjusted occupant restraining device. Evidence of that 36147
failure shall not be used as a basis for a criminal prosecution of 36148
the person other than a prosecution for a violation of this 36149
section; and shall not be admissible as evidence in a criminal 36150
action involving the person other than a prosecution for a 36151
violation of this section. 36152

(2) If, at the time of an accident involving a passenger car 36153
equipped with occupant restraining devices, any occupant of the 36154
passenger car who sustained injury or death was not wearing an 36155
available occupant restraining device, was not wearing all of the 36156
available elements of such a device, or was not wearing such a 36157
device as properly adjusted, then, consistent with the Rules of 36158
Evidence, the fact that the occupant was not wearing the available 36159
occupant restraining device, was not wearing all of the available 36160
elements of such a device, or was not wearing such a device as 36161
properly adjusted is admissible in evidence in relation to any 36162
claim for relief in a tort action to the extent that the claim for 36163
relief satisfies all of the following: 36164

(a) It seeks to recover damages for injury or death to the occupant. 36165
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(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car. 36167
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(c) The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy. 36169
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(G)(1) Whoever violates division (B)(1) of this section shall be fined thirty dollars. 36173
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(2) Whoever violates division (B)(3) of this section shall be fined twenty dollars. 36175
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(3) Except as otherwise provided in this division, whoever violates division (B)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (B)(4) of this section, whoever violates division (B)(4) of this section is guilty of a misdemeanor of the third degree. 36177
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Sec. 4513.35. (A) All fines collected under sections 4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code shall be paid into the county treasury and, with the exception of that portion distributed under section 3375.53 of the Revised Code, shall be placed to the credit of the fund for the maintenance and repair of the highways within that county, except that: 36183
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(1) All fines for violations of division (B) of section 4513.263 shall be delivered to the treasurer of state as provided in division (E) of section 4513.263 of the Revised Code. 36190
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(2) All fines collected from, or moneys arising from bonds forfeited by, persons apprehended or arrested by state highway 36193
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patrolmen shall be distributed as provided in section 5503.04 of the Revised Code. 36195
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(3)(a) Subject to division (E) of section 4513.263 of the Revised Code and except as otherwise provided in division (A)(3)(b) of this section, one-half of all fines collected from, and one-half of all moneys arising from bonds forfeited by, persons apprehended or arrested by a township constable or other township police officer shall be paid to the township treasury to be placed to the credit of the general fund. 36197
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(b) All fines collected from, and all moneys arising from bonds forfeited by, persons apprehended or arrested by a township constable or other township police officer pursuant to division (B)(2) of section 4513.39 of the Revised Code for a violation of section 4511.21 of the Revised Code or any other law, ordinance, or regulation pertaining to speed that occurred on a highway included as part of the interstate system, as defined in section 5516.01 of the Revised Code, shall be paid into the county treasury and be credited as provided in the first paragraph of this section. 36204
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(B) Notwithstanding any other provision of this section or of any other section of the Revised Code: 36214
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(1) All fines collected from, and all moneys arising from bonds forfeited by, persons arrested under division (E)(1) or (2) of section 2935.03 of the Revised Code are deemed to be collected, and to arise, from arrests made within the jurisdiction in which the arresting officer is appointed, elected, or employed, for violations of one of the sections or chapters of the Revised Code listed in division (E)(1) of that section and shall be distributed accordingly. 36216
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(2) All fines collected from, and all moneys arising from bonds forfeited by, persons arrested under division (E)(3) of 36224
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section 2935.03 of the Revised Code are deemed to be collected, 36226
and to arise, from arrests made within the jurisdiction in which 36227
the arresting officer is appointed, elected, or employed, for 36228
violations of municipal ordinances that are substantially 36229
equivalent to one of the sections or one of the provisions of one 36230
of the chapters of the Revised Code listed in division (E)(1) of 36231
that section and for violations of one of the sections or one of 36232
the provisions of one of the chapters of the Revised Code listed 36233
in division (E)(1) of that section, and shall be distributed 36234
accordingly. 36235

Sec. 4703.071. (A) The state board of examiners of architects 36236
shall establish and maintain and administer an architecture 36237
education assistance program to pay applicant enrollment fees for 36238
the internship program required of applicants by section 4703.07 36239
of the Revised Code. 36240

(B) The board shall adopt rules in accordance with Chapter 36241
119. of the Revised Code to establish all of the following: 36242

(1) Applicant eligibility criteria for receipt of internship 36243
program enrollment fees, which must include a requirement that 36244
applicants be enrolled in an architecture education program at an 36245
institution within the state that has been approved by the board 36246
and accredited by the national architectural accrediting board, 36247
and may include a requirement that the applicant has completed a 36248
minimum amount of course work in the program as prescribed by the 36249
state board by rule; 36250

(2) Application procedures for payment of internship program 36251
enrollment fees; 36252

(3) The maximum amount of internship program enrollment fees 36253
that may be provided by the architecture education assistance 36254
program to an applicant; 36255

(4) The total amount of internship program enrollment fees that may be disbursed by the architecture education assistance program in any given fiscal year; 36256
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(5) The means by which other matters incidental to the operation of the program may be approved, including the means to authorize necessary expenses for the operation of the architecture education assistance program. 36259
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(C) The receipt of internship program enrollment fees under this section shall not affect a student's eligibility for any other assistance, or the amount of that assistance. 36263
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Sec. 4715.251. Each person licensed to practice as a dental hygienist and required to register with the state dental board shall, each time ~~he~~ the person applies for renewal of registration beginning in 1995, be currently certified to perform basic life-support procedures by having successfully completed a basic life-support training course certified by ~~either~~ the American red cross ~~or~~, the American heart association, or, if determined equivalent by the board, the American safety and health institute. 36266
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An applicant for renewal of registration shall certify on the application for renewal of registration prescribed by the board under section 4715.24 of the Revised Code that ~~he~~ the applicant possesses the certification required by this section. 36274
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The board shall, not later than one hundred eighty days after the effective date of this amendment, determine whether basic life-support training certified by the American safety and health institute meets national standards. The board shall compare the training certified by the institute with the training certified by the American red cross and the American heart association and the training of instructors certified by the institute to the training of instructors certified by the American red cross and the American heart association. 36278
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If the board determines that the training certified by the American safety and health institute meets national standards and is equivalent to the training certified by the American red cross and the American heart association, the board shall accept training certified by the American safety and health institute in fulfillment of the requirements of this section.

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Sec. 4717.07. (A) The board of embalmers and funeral directors shall charge and collect the following fees:

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(1) For the initial issuance or biennial renewal of an embalmer's or funeral director's license, one hundred forty dollars;

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(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;

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(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;

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(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;

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(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;

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(6) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)~~(5)~~(1) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

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(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)~~(6)~~(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

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(8) For the initial issuance of a license to operate an

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embalming facility, two hundred dollars and biennial renewal of a license to operate an embalming facility, two hundred dollars; 36317
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(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)~~(9)~~(8) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement; 36319
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(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; 36323
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(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)~~(11)~~(10) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement; 36326
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(12) For the issuance of a duplicate of a license issued under this chapter, four dollars. 36330
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(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. 36332
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(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. 36336
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Sec. 4723.621. 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: 36341
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(A) The design and operation of the medication aide pilot program conducted under section 4723.63 of the Revised Code, 36345
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including a method of collecting data through reports submitted by participating nursing homes and residential care facilities;

(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;

(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;

(D) Protection of the health and welfare of the residents of nursing homes and residential care facilities participating in the pilot program and using medication aides pursuant to section 4723.64 of the Revised Code ~~on or after July 1, 2007;~~

(E) The board's adoption of rules under section 4723.69 of the Revised Code;

(F) Any other issue the council considers relevant to the use of medication aides in nursing homes and residential care facilities.

Sec. 4723.63. (A) In consultation with the medication aide advisory council established under section 4723.62 of the Revised Code, the board of nursing shall conduct a pilot program for the use of medication aides in nursing homes and residential care facilities. The board shall conduct the pilot program in a manner consistent with human protection and other ethical concerns typically associated with research studies involving live subjects. The pilot program shall be commenced not later than May 1, 2006, and shall ~~be conducted until July 1, 2007~~ end on the

thirty-first day after the report required by division (F)(2) of 36377
this section is submitted in accordance with that division. 36378

During the period the pilot program is conducted, a nursing 36379
home or residential care facility participating in the pilot 36380
program may use one or more medication aides to administer 36381
prescription medications to its residents, subject to ~~both~~ all of 36382
the following conditions: 36383

(1) Each individual used as a medication aide must hold a 36384
current, valid medication aide certificate issued by the board of 36385
nursing under this chapter. 36386

(2) The nursing home or residential care facility shall 36387
ensure that the requirements of section 4723.67 of the Revised 36388
Code are met. 36389

(3) The nursing home or residential care facility shall 36390
submit to the board, not later than the thirty-first day after the 36391
day the board makes its request under division (F)(1)(a) of this 36392
section, the data required by division (F)(1)(a) of this section. 36393

(B) The board, in consultation with the medication aide 36394
advisory council, shall do all of the following not later than 36395
February 1, 2006: 36396

(1) Design the pilot program; 36397

(2) Establish standards to govern medication aides and the 36398
nursing homes and residential care facilities participating in the 36399
pilot program, including standards for the training of medication 36400
aides and the staff of participating nursing homes and residential 36401
care facilities; 36402

(3) Establish standards to protect the health and safety of 36403
the residents of the nursing homes and residential care facilities 36404
participating in the program; 36405

(4) Implement a process for selecting the nursing homes and 36406

residential care facilities to participate in the program. 36407

(C)(1) A nursing home or residential care facility may 36408
volunteer to participate in the pilot program by submitting an 36409
application to the board on a form prescribed and provided by the 36410
board. From among the applicants, the board shall select eighty 36411
nursing homes and forty residential care facilities to participate 36412
in the pilot program. When the board denies an application, it 36413
shall notify, in writing, the president and minority leader of the 36414
senate and the speaker and minority leader of the house of 36415
representatives of the denial and the reasons for the denial. 36416

(2) To be eligible to participate, a nursing home or 36417
residential care facility shall agree to observe the standards 36418
established by the board for the use of medication aides. A 36419
nursing home is eligible to participate only if the department of 36420
health has found in the ~~two~~ most recent ~~surveys~~ survey or 36421
~~inspections~~ inspection of the home that the home is free from 36422
deficiencies related to the administration of medication. A 36423
residential care facility is eligible to participate only if the 36424
department has found that the facility is free from deficiencies 36425
related to the provision of skilled nursing care or the 36426
administration of medication. 36427

(D) As a condition of participation in the pilot program, a 36428
nursing home and residential care facility selected by the board 36429
shall pay the participation fee established in rules adopted under 36430
section 4723.69 of the Revised Code. The participation fee is not 36431
reimbursable under the medicaid program established under Chapter 36432
5111. of the Revised Code. 36433

(E) On receipt of evidence found credible by the board that 36434
continued participation by a nursing home or residential care 36435
facility poses an imminent danger, risk of serious harm, or 36436
jeopardy to a resident of the home or facility, the board may 36437
terminate the authority of the home or facility to participate in 36438

the pilot program. 36439

(F)(1) With the assistance of the medication aide advisory 36440
council, the board shall conduct an evaluation of the pilot 36441
program. In conducting the evaluation, the board shall do all of 36442
the following: 36443

(a) Request from each nursing home and residential care 36444
facility participating in the pilot program, on the ninety-first 36445
day after the day the board issues a medication aide certificate 36446
under section 4723.651 of the Revised Code to the seventy-fifth 36447
individual, the data the board requires participating nursing 36448
homes and residential care facilities to report under rules the 36449
board adopts under section 4723.69 of the Revised Code. 36450

(b) Assess whether medication aides are able to administer 36451
prescription medications safely to nursing home and residential 36452
care facility residents; 36453

~~(b)~~(c) Determine the financial implications of using 36454
medication aides in nursing homes and residential care facilities; 36455

~~(e)~~(d) Consider any other issue the board or council 36456
considers relevant to the evaluation. 36457

(2) Not later than ~~March 1, 2007~~ the one hundred eighty-first 36458
day after the day the board issues a medication aide certificate 36459
under section 4723.651 of the Revised Code to the seventy-fifth 36460
individual, the board shall prepare a report of its findings and 36461
recommendations derived from the evaluation of the pilot program. 36462
The board shall submit the report to the governor, president and 36463
minority leader of the senate, speaker and minority leader of the 36464
house of representatives, and director of health. 36465

(G) The board shall, on the day it issues a medication aide 36466
certificate to the seventy-fifth individual, post a notice on its 36467
web site indicating the date on which any nursing home or 36468
residential care facility may use medication aides in accordance 36469

with section 4723.64 of the Revised Code. 36470

Sec. 4723.64. On and after ~~July 1, 2007~~ the thirty-first day 36471
following the board of nursing's submission of the report required 36472
by division (F)(2) of section 4723.63 of the Revised Code, any 36473
nursing home or residential care facility may use one or more 36474
medication aides to administer prescription medications to its 36475
residents, subject to both of the following conditions: 36476

(A) Each individual used as a medication aide must hold a 36477
current, valid medication aide certificate issued by the board of 36478
nursing under this chapter. 36479

(B) The nursing home or residential care facility shall 36480
ensure that the requirements of section 4723.67 of the Revised 36481
Code are met. 36482

Sec. 4723.65. (A) An individual seeking certification as a 36483
medication aide shall apply to the board of nursing on a form 36484
prescribed and provided by the board. If the application is 36485
submitted on or after ~~July 1, 2007~~ the day any nursing home or 36486
residential care facility may initially use medication aides as 36487
specified in section 4723.64 of the Revised Code, the application 36488
shall be accompanied by the certification fee established in rules 36489
adopted under section 4723.69 of the Revised Code. 36490

(B)(1) Except as provided in division (B)(2) of this section, 36491
an applicant for a medication aide certificate shall submit a 36492
request to the bureau of criminal identification and investigation 36493
for a criminal records check. The request shall be on the form 36494
prescribed pursuant to division (C)(1) of section 109.572 of the 36495
Revised Code and shall be accompanied by a standard impression 36496
sheet to obtain fingerprints prescribed pursuant to division 36497
(C)(2) of that section. The request shall also be accompanied by 36498
the fee prescribed pursuant to division (C)(3) of section 109.572 36499

of the Revised Code. On receipt of the completed form, the 36500
completed impression sheet, and the fee, the bureau shall conduct 36501
a criminal records check of the applicant. On completion of the 36502
criminal records check, the bureau shall send the results of the 36503
check to the board. An applicant requesting a criminal records 36504
check under this division who has not lived in this state for at 36505
least five years shall ask the superintendent of the bureau of 36506
criminal identification and investigation to also request that the 36507
federal bureau of investigation provide the superintendent with 36508
any information it has with respect to the applicant. 36509

(2) If a criminal records check of an applicant was completed 36510
pursuant to section 3721.121 of the Revised Code not more than 36511
five years prior to the date the application is submitted, the 36512
applicant may include a certified copy of the criminal records 36513
check completed pursuant to that section and is not required to 36514
comply with division (B)(1) of this section. 36515

(3) A criminal records check provided to the board in 36516
accordance with division (B)(1) or (B)(2) of this section shall 36517
not be made available to any person or for any purpose other than 36518
the following: 36519

(a) The results may be made available to any person for use 36520
in determining whether the individual who is the subject of the 36521
check should be issued a medication aide certificate. 36522

(b) The results may be made available to the person who is 36523
the subject of the check or a representative of that person. 36524

Sec. 4723.66. (A) A person or government entity seeking 36525
approval to provide a medication aide training program shall apply 36526
to the board of nursing on a form prescribed and provided by the 36527
board. If the application is submitted on or after ~~July 1, 2007~~ 36528
the day any nursing home or residential care facility may 36529
initially use medication aides as specified in section 4723.64 of 36530

the Revised Code, the application shall be accompanied by the fee 36531
established in rules adopted under section 4723.69 of the Revised 36532
Code. 36533

(B) The board shall approve the applicant to provide a 36534
medication aide training program if the content of the course of 36535
instruction to be provided by the program meets the standards 36536
specified by the board in rules adopted under section 4723.69 of 36537
the Revised Code and includes all of the following: 36538

(1) At least seventy clock-hours of instruction, including 36539
both classroom instruction on medication administration and at 36540
least twenty clock-hours of supervised clinical practice in 36541
medication administration; 36542

(2) A mechanism for evaluating whether an individual's 36543
reading, writing, and mathematical skills are sufficient for the 36544
individual to be able to administer prescription medications 36545
safely; 36546

(3) An examination that tests the ability to administer 36547
prescription medications safely and that meets the requirements 36548
established by the board in rules adopted under section 4723.69 of 36549
the Revised Code. 36550

(C) The board may deny, suspend, or revoke the approval 36551
granted to the provider of a medication aide training program for 36552
reasons specified in rules adopted under section 4723.69 of the 36553
Revised Code. All actions taken by the board to deny, suspend, or 36554
revoke the approval of a training program shall be taken in 36555
accordance with Chapter 119. of the Revised Code. 36556

Sec. 4731.142. (A) Except as provided in division (B) of this 36557
section, an individual must demonstrate proficiency in spoken 36558
English, by passing an examination specified by the state medical 36559
board, to receive a certificate to practice issued under section 36560

4731.14 of the Revised Code if the individual's eligibility for 36561
the certificate is based in part on certification from the 36562
educational commission for foreign medical graduates and 36563
fulfillment of the undergraduate requirements established by 36564
section 4731.09 of the Revised Code at an institution outside the 36565
United States. ~~The individual may demonstrate such proficiency by~~ 36566
~~obtaining a score of forty or higher on the test of spoken English~~ 36567
~~conducted by the educational testing service~~ The board shall adopt 36568
rules specifying an acceptable examination and establishing the 36569
minimum score that demonstrates proficiency in spoken English. 36570

(B) An individual is not required to demonstrate proficiency 36571
in spoken English in accordance with division (A) of this section 36572
if the individual was required to demonstrate such proficiency as 36573
a condition of certification from the educational commission for 36574
foreign medical graduates. 36575

Sec. 4731.22. (A) The state medical board, by an affirmative 36576
vote of not fewer than six of its members, may revoke or may 36577
refuse to grant a certificate to a person found by the board to 36578
have committed fraud during the administration of the examination 36579
for a certificate to practice or to have committed fraud, 36580
misrepresentation, or deception in applying for or securing any 36581
certificate to practice or certificate of registration issued by 36582
the board. 36583

(B) The board, by an affirmative vote of not fewer than six 36584
members, shall, to the extent permitted by law, limit, revoke, or 36585
suspend an individual's certificate to practice, refuse to 36586
register an individual, refuse to reinstate a certificate, or 36587
reprimand or place on probation the holder of a certificate for 36588
one or more of the following reasons: 36589

(1) Permitting one's name or one's certificate to practice or 36590
certificate of registration to be used by a person, group, or 36591

corporation when the individual concerned is not actually 36592
directing the treatment given; 36593

(2) Failure to maintain minimal standards applicable to the 36594
selection or administration of drugs, or failure to employ 36595
acceptable scientific methods in the selection of drugs or other 36596
modalities for treatment of disease; 36597

(3) Selling, giving away, personally furnishing, prescribing, 36598
or administering drugs for other than legal and legitimate 36599
therapeutic purposes or a plea of guilty to, a judicial finding of 36600
guilt of, or a judicial finding of eligibility for intervention in 36601
lieu of conviction of, a violation of any federal or state law 36602
regulating the possession, distribution, or use of any drug; 36603

(4) Willfully betraying a professional confidence. 36604

For purposes of this division, "willfully betraying a 36605
professional confidence" does not include providing any 36606
information, documents, or reports to a child fatality review 36607
board under sections 307.621 to 307.629 of the Revised Code and 36608
does not include the making of a report of an employee's use of a 36609
drug of abuse, or a report of a condition of an employee other 36610
than one involving the use of a drug of abuse, to the employer of 36611
the employee as described in division (B) of section 2305.33 of 36612
the Revised Code. Nothing in this division affects the immunity 36613
from civil liability conferred by that section upon a physician 36614
who makes either type of report in accordance with division (B) of 36615
that section. As used in this division, "employee," "employer," 36616
and "physician" have the same meanings as in section 2305.33 of 36617
the Revised Code. 36618

(5) Making a false, fraudulent, deceptive, or misleading 36619
statement in the solicitation of or advertising for patients; in 36620
relation to the practice of medicine and surgery, osteopathic 36621
medicine and surgery, podiatric medicine and surgery, or a limited 36622

branch of medicine; or in securing or attempting to secure any 36623
certificate to practice or certificate of registration issued by 36624
the board. 36625

As used in this division, "false, fraudulent, deceptive, or 36626
misleading statement" means a statement that includes a 36627
misrepresentation of fact, is likely to mislead or deceive because 36628
of a failure to disclose material facts, is intended or is likely 36629
to create false or unjustified expectations of favorable results, 36630
or includes representations or implications that in reasonable 36631
probability will cause an ordinarily prudent person to 36632
misunderstand or be deceived. 36633

(6) A departure from, or the failure to conform to, minimal 36634
standards of care of similar practitioners under the same or 36635
similar circumstances, whether or not actual injury to a patient 36636
is established; 36637

(7) Representing, with the purpose of obtaining compensation 36638
or other advantage as personal gain or for any other person, that 36639
an incurable disease or injury, or other incurable condition, can 36640
be permanently cured; 36641

(8) The obtaining of, or attempting to obtain, money or 36642
anything of value by fraudulent misrepresentations in the course 36643
of practice; 36644

(9) A plea of guilty to, a judicial finding of guilt of, or a 36645
judicial finding of eligibility for intervention in lieu of 36646
conviction for, a felony; 36647

(10) Commission of an act that constitutes a felony in this 36648
state, regardless of the jurisdiction in which the act was 36649
committed; 36650

(11) A plea of guilty to, a judicial finding of guilt of, or 36651
a judicial finding of eligibility for intervention in lieu of 36652
conviction for, a misdemeanor committed in the course of practice; 36653

(12) Commission of an act in the course of practice that 36654
constitutes a misdemeanor in this state, regardless of the 36655
jurisdiction in which the act was committed; 36656

(13) A plea of guilty to, a judicial finding of guilt of, or 36657
a judicial finding of eligibility for intervention in lieu of 36658
conviction for, a misdemeanor involving moral turpitude; 36659

(14) Commission of an act involving moral turpitude that 36660
constitutes a misdemeanor in this state, regardless of the 36661
jurisdiction in which the act was committed; 36662

(15) Violation of the conditions of limitation placed by the 36663
board upon a certificate to practice; 36664

(16) Failure to pay license renewal fees specified in this 36665
chapter; 36666

(17) Except as authorized in section 4731.31 of the Revised 36667
Code, engaging in the division of fees for referral of patients, 36668
or the receiving of a thing of value in return for a specific 36669
referral of a patient to utilize a particular service or business; 36670

(18) Subject to section 4731.226 of the Revised Code, 36671
violation of any provision of a code of ethics of the American 36672
medical association, the American osteopathic association, the 36673
American podiatric medical association, or any other national 36674
professional organizations that the board specifies by rule. The 36675
state medical board shall obtain and keep on file current copies 36676
of the codes of ethics of the various national professional 36677
organizations. The individual whose certificate is being suspended 36678
or revoked shall not be found to have violated any provision of a 36679
code of ethics of an organization not appropriate to the 36680
individual's profession. 36681

For purposes of this division, a "provision of a code of 36682
ethics of a national professional organization" does not include 36683
any provision that would preclude the making of a report by a 36684

physician of an employee's use of a drug of abuse, or of a 36685
condition of an employee other than one involving the use of a 36686
drug of abuse, to the employer of the employee as described in 36687
division (B) of section 2305.33 of the Revised Code. Nothing in 36688
this division affects the immunity from civil liability conferred 36689
by that section upon a physician who makes either type of report 36690
in accordance with division (B) of that section. As used in this 36691
division, "employee," "employer," and "physician" have the same 36692
meanings as in section 2305.33 of the Revised Code. 36693

(19) Inability to practice according to acceptable and 36694
prevailing standards of care by reason of mental illness or 36695
physical illness, including, but not limited to, physical 36696
deterioration that adversely affects cognitive, motor, or 36697
perceptive skills. 36698

In enforcing this division, the board, upon a showing of a 36699
possible violation, may compel any individual authorized to 36700
practice by this chapter or who has submitted an application 36701
pursuant to this chapter to submit to a mental examination, 36702
physical examination, including an HIV test, or both a mental and 36703
a physical examination. The expense of the examination is the 36704
responsibility of the individual compelled to be examined. Failure 36705
to submit to a mental or physical examination or consent to an HIV 36706
test ordered by the board constitutes an admission of the 36707
allegations against the individual unless the failure is due to 36708
circumstances beyond the individual's control, and a default and 36709
final order may be entered without the taking of testimony or 36710
presentation of evidence. If the board finds an individual unable 36711
to practice because of the reasons set forth in this division, the 36712
board shall require the individual to submit to care, counseling, 36713
or treatment by physicians approved or designated by the board, as 36714
a condition for initial, continued, reinstated, or renewed 36715
authority to practice. An individual affected under this division 36716

shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's certificate. For the purpose of this division, any individual who applies for or receives a certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except when civil penalties are imposed under section 4731.225 or 4731.281 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred 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.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the public health council pursuant

to section 3701.341 of the Revised Code; 36749

(22) Any of the following actions taken by the agency 36750
responsible for regulating the practice of medicine and surgery, 36751
osteopathic medicine and surgery, podiatric medicine and surgery, 36752
or the limited branches of medicine in another jurisdiction, for 36753
any reason other than the nonpayment of fees: the limitation, 36754
revocation, or suspension of an individual's license to practice; 36755
acceptance of an individual's license surrender; denial of a 36756
license; refusal to renew or reinstate a license; imposition of 36757
probation; or issuance of an order of censure or other reprimand; 36758

(23) The violation of section 2919.12 of the Revised Code or 36759
the performance or inducement of an abortion upon a pregnant woman 36760
with actual knowledge that the conditions specified in division 36761
(B) of section 2317.56 of the Revised Code have not been satisfied 36762
or with a heedless indifference as to whether those conditions 36763
have been satisfied, unless an affirmative defense as specified in 36764
division (H)(2) of that section would apply in a civil action 36765
authorized by division (H)(1) of that section; 36766

(24) The revocation, suspension, restriction, reduction, or 36767
termination of clinical privileges by the United States department 36768
of defense or department of veterans affairs or the termination or 36769
suspension of a certificate of registration to prescribe drugs by 36770
the drug enforcement administration of the United States 36771
department of justice; 36772

(25) Termination or suspension from participation in the 36773
medicare or medicaid programs by the department of health and 36774
human services or other responsible agency for any act or acts 36775
that also would constitute a violation of division (B)(2), (3), 36776
(6), (8), or (19) of this section; 36777

(26) Impairment of ability to practice according to 36778
acceptable and prevailing standards of care because of habitual or 36779

excessive use or abuse of drugs, alcohol, or other substances that 36780
impair ability to practice. 36781

For the purposes of this division, any individual authorized 36782
to practice by this chapter accepts the privilege of practicing in 36783
this state subject to supervision by the board. By filing an 36784
application for or holding a certificate to practice under this 36785
chapter, an individual shall be deemed to have given consent to 36786
submit to a mental or physical examination when ordered to do so 36787
by the board in writing, and to have waived all objections to the 36788
admissibility of testimony or examination reports that constitute 36789
privileged communications. 36790

If it has reason to believe that any individual authorized to 36791
practice by this chapter or any applicant for certification to 36792
practice suffers such impairment, the board may compel the 36793
individual to submit to a mental or physical examination, or both. 36794
The expense of the examination is the responsibility of the 36795
individual compelled to be examined. Any mental or physical 36796
examination required under this division shall be undertaken by a 36797
treatment provider or physician who is qualified to conduct the 36798
examination and who is chosen by the board. 36799

Failure to submit to a mental or physical examination ordered 36800
by the board constitutes an admission of the allegations against 36801
the individual unless the failure is due to circumstances beyond 36802
the individual's control, and a default and final order may be 36803
entered without the taking of testimony or presentation of 36804
evidence. If the board determines that the individual's ability to 36805
practice is impaired, the board shall suspend the individual's 36806
certificate or deny the individual's application and shall require 36807
the individual, as a condition for initial, continued, reinstated, 36808
or renewed certification to practice, to submit to treatment. 36809

Before being eligible to apply for reinstatement of a 36810
certificate suspended under this division, the impaired 36811

practitioner shall demonstrate to the board the ability to resume 36812
practice in compliance with acceptable and prevailing standards of 36813
care under the provisions of the practitioner's certificate. The 36814
demonstration shall include, but shall not be limited to, the 36815
following: 36816

(a) Certification from a treatment provider approved under 36817
section 4731.25 of the Revised Code that the individual has 36818
successfully completed any required inpatient treatment; 36819

(b) Evidence of continuing full compliance with an aftercare 36820
contract or consent agreement; 36821

(c) Two written reports indicating that the individual's 36822
ability to practice has been assessed and that the individual has 36823
been found capable of practicing according to acceptable and 36824
prevailing standards of care. The reports shall be made by 36825
individuals or providers approved by the board for making the 36826
assessments and shall describe the basis for their determination. 36827

The board may reinstate a certificate suspended under this 36828
division after that demonstration and after the individual has 36829
entered into a written consent agreement. 36830

When the impaired practitioner resumes practice, the board 36831
shall require continued monitoring of the individual. The 36832
monitoring shall include, but not be limited to, compliance with 36833
the written consent agreement entered into before reinstatement or 36834
with conditions imposed by board order after a hearing, and, upon 36835
termination of the consent agreement, submission to the board for 36836
at least two years of annual written progress reports made under 36837
penalty of perjury stating whether the individual has maintained 36838
sobriety. 36839

(27) A second or subsequent violation of section 4731.66 or 36840
4731.69 of the Revised Code; 36841

(28) Except as provided in division (N) of this section: 36842

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement

entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 36874
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(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 36876
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(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for supervision of an acupuncturist; 36885
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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; 36888
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(37) Assisting suicide as defined in section 3795.01 of the Revised Code. 36891
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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. 36893
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If the board takes disciplinary action against an individual 36905
under division (B) of this section for a second or subsequent plea 36906
of guilty to, or judicial finding of guilt of, a violation of 36907
section 2919.123 of the Revised Code, the disciplinary action 36908
shall consist of a suspension of the individual's certificate to 36909
practice for a period of at least one year or, if determined 36910
appropriate by the board, a more serious sanction involving the 36911
individual's certificate to practice. Any consent agreement 36912
entered into under this division with an individual that pertains 36913
to a second or subsequent plea of guilty to, or judicial finding 36914
of guilt of, a violation of that section shall provide for a 36915
suspension of the individual's certificate to practice for a 36916
period of at least one year or, if determined appropriate by the 36917
board, a more serious sanction involving the individual's 36918
certificate to practice. 36919

(D) For purposes of divisions (B)(10), (12), and (14) of this 36920
section, the commission of the act may be established by a finding 36921
by the board, pursuant to an adjudication under Chapter 119. of 36922
the Revised Code, that the individual committed the act. The board 36923
does not have jurisdiction under those divisions if the trial 36924
court renders a final judgment in the individual's favor and that 36925
judgment is based upon an adjudication on the merits. The board 36926
has jurisdiction under those divisions if the trial court issues 36927
an order of dismissal upon technical or procedural grounds. 36928

(E) The sealing of conviction records by any court shall have 36929
no effect upon a prior board order entered under this section or 36930
upon the board's jurisdiction to take action under this section 36931
if, based upon a plea of guilty, a judicial finding of guilt, or a 36932
judicial finding of eligibility for intervention in lieu of 36933
conviction, the board issued a notice of opportunity for a hearing 36934
prior to the court's order to seal the records. The board shall 36935
not be required to seal, destroy, redact, or otherwise modify its 36936

records to reflect the court's sealing of conviction records. 36937

(F)(1) The board shall investigate evidence that appears to 36938
show that a person has violated any provision of this chapter or 36939
any rule adopted under it. Any person may report to the board in a 36940
signed writing any information that the person may have that 36941
appears to show a violation of any provision of this chapter or 36942
any rule adopted under it. In the absence of bad faith, any person 36943
who reports information of that nature or who testifies before the 36944
board in any adjudication conducted under Chapter 119. of the 36945
Revised Code shall not be liable in damages in a civil action as a 36946
result of the report or testimony. Each complaint or allegation of 36947
a violation received by the board shall be assigned a case number 36948
and shall be recorded by the board. 36949

(2) Investigations of alleged violations of this chapter or 36950
any rule adopted under it shall be supervised by the supervising 36951
member elected by the board in accordance with section 4731.02 of 36952
the Revised Code and by the secretary as provided in section 36953
4731.39 of the Revised Code. The president may designate another 36954
member of the board to supervise the investigation in place of the 36955
supervising member. No member of the board who supervises the 36956
investigation of a case shall participate in further adjudication 36957
of the case. 36958

(3) In investigating a possible violation of this chapter or 36959
any rule adopted under this chapter, the board may administer 36960
oaths, order the taking of depositions, issue subpoenas, and 36961
compel the attendance of witnesses and production of books, 36962
accounts, papers, records, documents, and testimony, except that a 36963
subpoena for patient record information shall not be issued 36964
without consultation with the attorney general's office and 36965
approval of the secretary and supervising member of the board. 36966
Before issuance of a subpoena for patient record information, the 36967
secretary and supervising member shall determine whether there is 36968

probable cause to believe that the complaint filed alleges a 36969
violation of this chapter or any rule adopted under it and that 36970
the records sought are relevant to the alleged violation and 36971
material to the investigation. The subpoena may apply only to 36972
records that cover a reasonable period of time surrounding the 36973
alleged violation. 36974

On failure to comply with any subpoena issued by the board 36975
and after reasonable notice to the person being subpoenaed, the 36976
board may move for an order compelling the production of persons 36977
or records pursuant to the Rules of Civil Procedure. 36978

A subpoena issued by the board may be served by a sheriff, 36979
the sheriff's deputy, or a board employee designated by the board. 36980
Service of a subpoena issued by the board may be made by 36981
delivering a copy of the subpoena to the person named therein, 36982
reading it to the person, or leaving it at the person's usual 36983
place of residence. When the person being served is a person whose 36984
practice is authorized by this chapter, service of the subpoena 36985
may be made by certified mail, restricted delivery, return receipt 36986
requested, and the subpoena shall be deemed served on the date 36987
delivery is made or the date the person refuses to accept 36988
delivery. 36989

A sheriff's deputy who serves a subpoena shall receive the 36990
same fees as a sheriff. Each witness who appears before the board 36991
in obedience to a subpoena shall receive the fees and mileage 36992
provided for witnesses in civil cases in the courts of common 36993
pleas. 36994

(4) All hearings and investigations of the board shall be 36995
considered civil actions for the purposes of section 2305.252 of 36996
the Revised Code. 36997

(5) Information received by the board pursuant to an 36998
investigation is confidential and not subject to discovery in any 36999

civil action. 37000

The board shall conduct all investigations and proceedings in 37001
a manner that protects the confidentiality of patients and persons 37002
who file complaints with the board. The board shall not make 37003
public the names or any other identifying information about 37004
patients or complainants unless proper consent is given or, in the 37005
case of a patient, a waiver of the patient privilege exists under 37006
division (B) of section 2317.02 of the Revised Code, except that 37007
consent or a waiver of that nature is not required if the board 37008
possesses reliable and substantial evidence that no bona fide 37009
physician-patient relationship exists. 37010

The board may share any information it receives pursuant to 37011
an investigation, including patient records and patient record 37012
information, with law enforcement agencies, other licensing 37013
boards, and other governmental agencies that are prosecuting, 37014
adjudicating, or investigating alleged violations of statutes or 37015
administrative rules. An agency or board that receives the 37016
information shall comply with the same requirements regarding 37017
confidentiality as those with which the state medical board must 37018
comply, notwithstanding any conflicting provision of the Revised 37019
Code or procedure of the agency or board that applies when it is 37020
dealing with other information in its possession. In a judicial 37021
proceeding, the information may be admitted into evidence only in 37022
accordance with the Rules of Evidence, but the court shall require 37023
that appropriate measures are taken to ensure that confidentiality 37024
is maintained with respect to any part of the information that 37025
contains names or other identifying information about patients or 37026
complainants whose confidentiality was protected by the state 37027
medical board when the information was in the board's possession. 37028
Measures to ensure confidentiality that may be taken by the court 37029
include sealing its records or deleting specific information from 37030
its records. 37031

(6) On a quarterly basis, the board shall prepare a report 37032
that documents the disposition of all cases during the preceding 37033
three months. The report shall contain the following information 37034
for each case with which the board has completed its activities: 37035

(a) The case number assigned to the complaint or alleged 37036
violation; 37037

(b) The type of certificate to practice, if any, held by the 37038
individual against whom the complaint is directed; 37039

(c) A description of the allegations contained in the 37040
complaint; 37041

(d) The disposition of the case. 37042

The report shall state how many cases are still pending and 37043
shall be prepared in a manner that protects the identity of each 37044
person involved in each case. The report shall be a public record 37045
under section 149.43 of the Revised Code. 37046

(G) If the secretary and supervising member determine that 37047
there is clear and convincing evidence that an individual has 37048
violated division (B) of this section and that the individual's 37049
continued practice presents a danger of immediate and serious harm 37050
to the public, they may recommend that the board suspend the 37051
individual's certificate to practice without a prior hearing. 37052
Written allegations shall be prepared for consideration by the 37053
board. 37054

The board, upon review of those allegations and by an 37055
affirmative vote of not fewer than six of its members, excluding 37056
the secretary and supervising member, may suspend a certificate 37057
without a prior hearing. A telephone conference call may be 37058
utilized for reviewing the allegations and taking the vote on the 37059
summary suspension. 37060

The board shall issue a written order of suspension by 37061

certified mail or in person in accordance with section 119.07 of 37062
the Revised Code. The order shall not be subject to suspension by 37063
the court during pendency of any appeal filed under section 119.12 37064
of the Revised Code. If the individual subject to the summary 37065
suspension requests an adjudicatory hearing by the board, the date 37066
set for the hearing shall be within fifteen days, but not earlier 37067
than seven days, after the individual requests the hearing, unless 37068
otherwise agreed to by both the board and the individual. 37069

Any summary suspension imposed under this division shall 37070
remain in effect, unless reversed on appeal, until a final 37071
adjudicative order issued by the board pursuant to this section 37072
and Chapter 119. of the Revised Code becomes effective. The board 37073
shall issue its final adjudicative order within ~~sixty~~ seventy-five 37074
days after completion of its hearing. A failure to issue the order 37075
within ~~sixty~~ seventy-five days shall result in dissolution of the 37076
summary suspension order but shall not invalidate any subsequent, 37077
final adjudicative order. 37078

(H) If the board takes action under division (B)(9), (11), or 37079
(13) of this section and the judicial finding of guilt, guilty 37080
plea, or judicial finding of eligibility for intervention in lieu 37081
of conviction is overturned on appeal, upon exhaustion of the 37082
criminal appeal, a petition for reconsideration of the order may 37083
be filed with the board along with appropriate court documents. 37084
Upon receipt of a petition of that nature and supporting court 37085
documents, the board shall reinstate the individual's certificate 37086
to practice. The board may then hold an adjudication under Chapter 37087
119. of the Revised Code to determine whether the individual 37088
committed the act in question. Notice of an opportunity for a 37089
hearing shall be given in accordance with Chapter 119. of the 37090
Revised Code. If the board finds, pursuant to an adjudication held 37091
under this division, that the individual committed the act or if 37092
no hearing is requested, the board may order any of the sanctions 37093

identified under division (B) of this section. 37094

(I) The certificate to practice issued to an individual under 37095
this chapter and the individual's practice in this state are 37096
automatically suspended as of the date of the individual's second 37097
or subsequent plea of guilty to, or judicial finding of guilt of, 37098
a violation of section 2919.123 of the Revised Code, or the date 37099
the individual pleads guilty to, is found by a judge or jury to be 37100
guilty of, or is subject to a judicial finding of eligibility for 37101
intervention in lieu of conviction in this state or treatment or 37102
intervention in lieu of conviction in another jurisdiction for any 37103
of the following criminal offenses in this state or a 37104
substantially equivalent criminal offense in another jurisdiction: 37105
aggravated murder, murder, voluntary manslaughter, felonious 37106
assault, kidnapping, rape, sexual battery, gross sexual 37107
imposition, aggravated arson, aggravated robbery, or aggravated 37108
burglary. Continued practice after suspension shall be considered 37109
practicing without a certificate. 37110

The board shall notify the individual subject to the 37111
suspension by certified mail or in person in accordance with 37112
section 119.07 of the Revised Code. If an individual whose 37113
certificate is automatically suspended under this division fails 37114
to make a timely request for an adjudication under Chapter 119. of 37115
the Revised Code, the board shall do whichever of the following is 37116
applicable: 37117

(1) If the automatic suspension under this division is for a 37118
second or subsequent plea of guilty to, or judicial finding of 37119
guilt of, a violation of section 2919.123 of the Revised Code, the 37120
board shall enter an order suspending the individual's certificate 37121
to practice for a period of at least one year or, if determined 37122
appropriate by the board, imposing a more serious sanction 37123
involving the individual's certificate to practice. 37124

(2) In all circumstances in which division (I)(1) of this 37125

section does not apply, enter a final order permanently revoking 37126
the individual's certificate to practice. 37127

(J) If the board is required by Chapter 119. of the Revised 37128
Code to give notice of an opportunity for a hearing and if the 37129
individual subject to the notice does not timely request a hearing 37130
in accordance with section 119.07 of the Revised Code, the board 37131
is not required to hold a hearing, but may adopt, by an 37132
affirmative vote of not fewer than six of its members, a final 37133
order that contains the board's findings. In that final order, the 37134
board may order any of the sanctions identified under division (A) 37135
or (B) of this section. 37136

(K) Any action taken by the board under division (B) of this 37137
section resulting in a suspension from practice shall be 37138
accompanied by a written statement of the conditions under which 37139
the individual's certificate to practice may be reinstated. The 37140
board shall adopt rules governing conditions to be imposed for 37141
reinstatement. Reinstatement of a certificate suspended pursuant 37142
to division (B) of this section requires an affirmative vote of 37143
not fewer than six members of the board. 37144

(L) When the board refuses to grant a certificate to an 37145
applicant, revokes an individual's certificate to practice, 37146
refuses to register an applicant, or refuses to reinstate an 37147
individual's certificate to practice, the board may specify that 37148
its action is permanent. An individual subject to a permanent 37149
action taken by the board is forever thereafter ineligible to hold 37150
a certificate to practice and the board shall not accept an 37151
application for reinstatement of the certificate or for issuance 37152
of a new certificate. 37153

(M) Notwithstanding any other provision of the Revised Code, 37154
all of the following apply: 37155

(1) The surrender of a certificate issued under this chapter 37156

shall not be effective unless or until accepted by the board. 37157

Reinstatement of a certificate surrendered to the board requires 37158
an affirmative vote of not fewer than six members of the board. 37159

(2) An application for a certificate made under the 37160
provisions of this chapter may not be withdrawn without approval 37161
of the board. 37162

(3) Failure by an individual to renew a certificate of 37163
registration in accordance with this chapter shall not remove or 37164
limit the board's jurisdiction to take any disciplinary action 37165
under this section against the individual. 37166

(N) Sanctions shall not be imposed under division (B)(28) of 37167
this section against any person who waives deductibles and 37168
copayments as follows: 37169

(1) In compliance with the health benefit plan that expressly 37170
allows such a practice. Waiver of the deductibles or copayments 37171
shall be made only with the full knowledge and consent of the plan 37172
purchaser, payer, and third-party administrator. Documentation of 37173
the consent shall be made available to the board upon request. 37174

(2) For professional services rendered to any other person 37175
authorized to practice pursuant to this chapter, to the extent 37176
allowed by this chapter and rules adopted by the board. 37177

(O) Under the board's investigative duties described in this 37178
section and subject to division (F) of this section, the board 37179
shall develop and implement a quality intervention program 37180
designed to improve through remedial education the clinical and 37181
communication skills of individuals authorized under this chapter 37182
to practice medicine and surgery, osteopathic medicine and 37183
surgery, and podiatric medicine and surgery. In developing and 37184
implementing the quality intervention program, the board may do 37185
all of the following: 37186

(1) Offer in appropriate cases as determined by the board an 37187

educational and assessment program pursuant to an investigation 37188
the board conducts under this section; 37189

(2) Select providers of educational and assessment services, 37190
including a quality intervention program panel of case reviewers; 37191

(3) Make referrals to educational and assessment service 37192
providers and approve individual educational programs recommended 37193
by those providers. The board shall monitor the progress of each 37194
individual undertaking a recommended individual educational 37195
program. 37196

(4) Determine what constitutes successful completion of an 37197
individual educational program and require further monitoring of 37198
the individual who completed the program or other action that the 37199
board determines to be appropriate; 37200

(5) Adopt rules in accordance with Chapter 119. of the 37201
Revised Code to further implement the quality intervention 37202
program. 37203

An individual who participates in an individual educational 37204
program pursuant to this division shall pay the financial 37205
obligations arising from that educational program. 37206

Sec. 4735.10. (A)(1) The Ohio real estate commission may 37207
adopt reasonable rules in accordance with Chapter 119. of the 37208
Revised Code, necessary for implementing the provisions of this 37209
chapter relating, but not limited to, the following: 37210

(a) The form and manner of filing applications for license; 37211

(b) Times and form of examination for license; 37212

(c) Placing an existing broker's license on deposit or a 37213
salesperson's license on an inactive status for an indefinite 37214
period. 37215

(2) The commission shall adopt reasonable rules in accordance 37216

with Chapter 119. of the Revised Code, for implementing the 37217
provisions of this chapter relating to the following: 37218

(a) The issuance, renewal, suspension, and revocation of 37219
licenses, other sanctions that may be imposed for violations of 37220
this chapter, the conduct of hearings related to these actions, 37221
and the process of reactivating a license; 37222

(b) By not later than January 1, 2004, a three-year license 37223
and a three-year license renewal system; 37224

(c) Standards for the approval of courses of study required 37225
for licenses, or offered in preparation for license examinations, 37226
or required as continuing education for licenses. ~~The rules shall~~ 37227
~~specify that no standard for the approval of a course of study~~ 37228
~~required as continuing education for licensees shall require that~~ 37229
~~licensees pass an examination as a condition for the successful~~ 37230
~~completion of a continuing education requirement. A person~~ 37231
~~providing a continuing education course may administer~~ 37232
~~examinations for the purpose of evaluating the effectiveness of~~ 37233
~~the course.~~ 37234

(d) Guidelines to ensure that continuing education classes 37235
are open to all persons licensed under this chapter. The rules 37236
shall specify that an organization that sponsors a continuing 37237
education class may offer its members a reasonable reduction in 37238
the fees charged for the class. 37239

(e) Requirements for trust accounts and property management 37240
accounts. The rules shall specify that: 37241

(i) Brokerages engaged in the management of property for 37242
another may, pursuant to a written contract with the property 37243
owner, exercise signatory authority for withdrawals from property 37244
management accounts maintained in the name of the property owner. 37245
The exercise of authority for withdrawals does not constitute a 37246
violation of any provision of division (A) of section 4735.18 of 37247

the Revised Code.	37248
(ii) The interest earned on property management trust	37249
accounts maintained in the name of the property owner or the	37250
broker shall be payable to the property owner unless otherwise	37251
specified in a written contract.	37252
(f) Notice of renewal forms and filing deadlines;	37253
(g) Special assessments under division (A) of section 4735.12	37254
of the Revised Code.	37255
(B) The commission may adopt rules in accordance with Chapter	37256
119. of the Revised Code establishing standards and guidelines	37257
with which the superintendent of real estate shall comply in the	37258
exercise of the following powers:	37259
(1) Appointment and recommendation of ancillary trustees	37260
under section 4735.05 of the Revised Code;	37261
(2) Rejection of names proposed to be used by partnerships,	37262
associations, limited liability companies, limited liability	37263
partnerships, and corporations, under division (A) of section	37264
4735.06 of the Revised Code;	37265
(3) Acceptance and rejection of applications to take the	37266
broker and salesperson examinations and licensure, with	37267
appropriate waivers pursuant to division (E) of section 4735.07	37268
and section 4735.09 of the Revised Code;	37269
(4) Approval of applications of brokers to place their	37270
licenses on deposit and to become salespersons under section	37271
4735.13 of the Revised Code;	37272
(5) Appointment of hearing examiners under section 119.09 of	37273
the Revised Code;	37274
(6) Acceptance and rejection of applications to take the	37275
foreign real estate dealer and salesperson examinations and	37276
licensure, with waiver of examination, under sections 4735.27 and	37277

4735.28 of the Revised Code;	37278
(7) Qualification of foreign real estate under section	37279
4735.25 of the Revised Code.	37280
If at any time there is no rule in effect establishing a	37281
guideline or standard required by this division, the	37282
superintendent may adopt a rule in accordance with Chapter 119. of	37283
the Revised Code for such purpose.	37284
(C) The commission or superintendent may hear testimony in	37285
matters relating to the duties imposed upon them, and the	37286
president of the commission and superintendent may administer	37287
oaths. The commission or superintendent may require other proof of	37288
the honesty, truthfulness, and good reputation of any person named	37289
in an application for a real estate broker's or real estate	37290
salesperson's license before admitting the applicant to the	37291
examination or issuing a license.	37292
Sec. 4735.141. (A) Except as otherwise provided in this	37293
division, each person licensed under section 4735.07 or 4735.09 of	37294
the Revised Code shall submit proof satisfactory to the	37295
superintendent of real estate that the licensee has satisfactorily	37296
completed thirty hours of continuing education, as prescribed by	37297
the Ohio real estate commission pursuant to section 4735.10 of the	37298
Revised Code, on or before the licensee's birthday occurring three	37299
years after the licensee's date of initial licensure, and on or	37300
before the licensee's birthday every three years thereafter.	37301
Persons licensed as real estate salespersons who subsequently	37302
become licensed real estate brokers shall continue to submit proof	37303
of continuing education in accordance with the time period	37304
established in this section.	37305
The requirements of this section shall not apply to any	37306
physically handicapped licensee as provided in division (E) of	37307

this section. 37308

Each licensee who is seventy years of age or older, within a 37309
continuing education reporting period, shall submit proof 37310
satisfactory to the superintendent of real estate that the 37311
licensee has satisfactorily completed a total of nine classroom 37312
hours of continuing education, including instruction in Ohio real 37313
estate law; recently enacted state and federal laws affecting the 37314
real estate industry; municipal, state, and federal civil rights 37315
law; and canons of ethics for the real estate industry as adopted 37316
by the commission. The required proof of completion shall be 37317
submitted on or before the licensee's birthday that falls in the 37318
third year of that continuing education reporting period. A 37319
licensee who is seventy years of age or older whose license is in 37320
an inactive status is exempt from the continuing education 37321
requirements specified in this section. The commission shall adopt 37322
reasonable rules in accordance with Chapter 119. of the Revised 37323
Code to carry out the purposes of this paragraph. 37324

~~A person providing any course of continuing education may 37325
administer examinations to licensees for the purpose of evaluating 37326
the effectiveness of the course, but passage of an examination by 37327
a licensee shall not be a condition for successful completion of 37328
the continuing education requirements of this section. 37329~~

(B) The continuing education requirements of this section 37330
shall be completed in schools, seminars, and educational 37331
institutions approved by the commission. Such approval shall be 37332
given according to rules established by the commission under the 37333
procedures of Chapter 119. of the Revised Code, and shall not be 37334
limited to institutions providing two-year or four-year degrees. 37335
Each school, seminar, or educational institution approved under 37336
this division shall be open to all licensees on an equal basis. 37337

(C) If the requirements of this section are not met by a 37338
licensee within the period specified, the licensee's license shall 37339

be suspended automatically without the taking of any action by the 37340
superintendent. The superintendent shall notify the licensee of 37341
the license suspension. Any license so suspended shall remain 37342
suspended until it is reactivated by the superintendent. No such 37343
license shall be reactivated until it is established, to the 37344
satisfaction of the superintendent, that the requirements of this 37345
section have been met. If the requirements of this section are not 37346
met within twelve months from the date the license was suspended,
the license shall be revoked automatically without the taking of 37347
any action by the superintendent. 37348
37349

(D) If the license of a real estate broker is suspended 37350
pursuant to division (C) of this section, the license of a real 37351
estate salesperson associated with that broker correspondingly is 37352
suspended pursuant to division (H) of section 4735.20 of the 37353
Revised Code. However, the suspended license of the associated 37354
real estate salesperson shall be reactivated and no fee shall be 37355
charged or collected for that reactivation if all of the following 37356
occur: 37357

(1) That broker subsequently submits proof to the 37358
superintendent that the broker has complied with the requirements 37359
of this section and requests that the broker's license as a real 37360
estate broker be reactivated. 37361

(2) The superintendent then reactivates the broker's license 37362
as a real estate broker. 37363

(3) The associated real estate salesperson intends to 37364
continue to be associated with that broker, has complied with the 37365
requirements of this section, and otherwise is in compliance with 37366
this chapter. 37367

Any person whose license is reactivated pursuant to this 37368
division shall submit proof satisfactory to the superintendent 37369
that the person has completed thirty hours of continuing 37370

education, as prescribed by the Ohio real estate commission, on or 37371
before the third year following the licensee's birthday occurring 37372
immediately after reactivation. 37373

(E) Any licensee who is a physically handicapped licensee at 37374
any time during the last three months of the third year of the 37375
licensee's continuing education reporting period may receive an 37376
extension of time to submit proof to the superintendent that the 37377
licensee has satisfactorily completed the required thirty hours of 37378
continuing education. To receive an extension of time, the 37379
licensee shall submit a request to the division of real estate for 37380
the extension and proof satisfactory to the commission that the 37381
licensee was a physically handicapped licensee at some time during 37382
the last three months of the three-year reporting period. The 37383
proof shall include, but is not limited to, a signed statement by 37384
the licensee's attending physician describing the physical 37385
disability, certifying that the licensee's disability is of such a 37386
nature as to prevent the licensee from attending any instruction 37387
lasting at least three hours in duration, and stating the expected 37388
duration of the physical disability. The licensee shall request 37389
the extension and provide the physician's statement to the 37390
division no later than one month prior to the end of the 37391
licensee's three-year continuing education reporting period, 37392
unless the physical disability did not arise until the last month 37393
of the three-year reporting period, in which event the licensee 37394
shall request the extension and provide the physician's statement 37395
as soon as practical after the occurrence of the physical 37396
disability. A licensee granted an extension pursuant to this 37397
division who is no longer a physically handicapped licensee and 37398
who submits proof of completion of the continuing education during 37399
the extension period, shall submit, for future continuing 37400
education reporting periods, proof of completion of the continuing 37401
education requirements according to the schedule established in 37402
division (A) of this section. 37403

Sec. 4736.01. As used in this chapter:	37404
(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.	37405 37406 37407 37408 37409 37410 37411 37412
(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.	37413 37414 37415 37416
(C) "Registered sanitarian" means a person who is registered as a sanitarian in accordance with this chapter.	37417 37418
(D) "Sanitarian-in-training" means a person who is registered as a sanitarian-in-training in accordance with this chapter.	37419 37420
(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 administration or enforcement under any of the following:	37421 37422 37423 37424 37425 37426 37427 37428
(1) Chapter 911., 913., 917., 3717., 3718. 3721., 3729., or 3733. of the Revised Code;	37429 37430
(2) Chapter 3734. of the Revised Code as it pertains to solid waste;	37431 37432
(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections	37433

3707.38 to 3707.99, or section 3715.21 of the Revised Code; 37434

(4) Rules adopted under section 3701.34 of the Revised Code 37435
pertaining to home sewage, rabies control, or swimming pools; 37436

(5) Rules adopted under section 3701.935 of the Revised Code 37437
for school health and safety network inspections and rules adopted 37438
under section 3707.26 of the Revised Code for sanitary 37439
inspections. 37440

"Practice of environmental health" does not include sampling, 37441
testing, controlling of vectors, reporting of observations, or 37442
other duties that do not require application of specialized 37443
knowledge and skills in environmental health science performed 37444
under the supervision of a registered sanitarian. 37445

The state board of sanitarian registration may further define 37446
environmental health science in relation to specific functions in 37447
the practice of environmental health through rules adopted by the 37448
board under Chapter 119. of the Revised Code. 37449

Sec. 4743.05. Except as otherwise provided in sections 37450
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 37451
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 37452
4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 37453
4741., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4771., 37454
4775., 4779., and 4781. of the Revised Code shall be paid into the 37455
state treasury to the credit of the occupational licensing and 37456
regulatory fund, which is hereby created for use in administering 37457
such chapters. 37458

At the end of each quarter, the director of budget and 37459
management shall transfer from the occupational licensing and 37460
regulatory fund to the nurse education assistance fund created in 37461
section 3333.28 of the Revised Code the amount certified to the 37462
director under division (B) of section 4723.08 of the Revised 37463

Code. 37464

At the end of each quarter, the director shall transfer from 37465
the occupational licensing and regulatory fund to the certified 37466
public accountant education assistance fund created in section 37467
4701.26 of the Revised Code the amount certified to the director 37468
under division (H)(2) of section 4701.10 of the Revised Code. 37469

Sec. 4755.03. ~~All~~ Except as provided in section 4755.99 of 37470
the Revised Code, all fees and fines collected and assessed under 37471
this chapter by the appropriate section of the Ohio occupational 37472
therapy, physical therapy, and athletic trainers board, shall be 37473
deposited into the state treasury to the credit of the 37474
occupational licensing and regulatory fund. 37475

Sec. 4766.05. (A) The Ohio medical transportation board shall 37476
establish by rule a license fee, a permit fee for each ambulance, 37477
ambulette, rotorcraft air ambulance, fixed wing air ambulance, and 37478
nontransport vehicle owned or leased by the licensee that is or 37479
will be used as provided in section 4766.07 of the Revised Code, 37480
and fees for renewals of licenses and permits, taking into 37481
consideration the actual costs incurred by the board in carrying 37482
out its duties under this chapter. However, the fee for each 37483
license and each renewal of a license shall not exceed one hundred 37484
dollars, and the fee for each permit and each renewal of a permit 37485
shall not exceed one hundred dollars for each ambulance, 37486
rotorcraft air ambulance, fixed wing air ambulance, and 37487
nontransport vehicle. The fee for each permit and each renewal of 37488
a permit shall be twenty-five dollars for each ambulette for one 37489
year after ~~the effective date of this amendment~~ March 9, 2004. 37490
Thereafter, the board shall determine by rule the fee, which shall 37491
not exceed fifty dollars, for each permit and each renewal of a 37492
permit for each ambulette. For purposes of establishing fees, 37493
"actual costs" includes the costs of salaries, expenses, 37494

inspection equipment, supervision, and program administration. 37495

(B) The board shall deposit all fees and other moneys 37496
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 37497
the Revised Code in the state treasury to the credit of the ~~Ohio~~ 37498
~~medical transportation trust~~ occupational licensing and regulatory 37499
fund, which is ~~hereby~~ created by section 4743.05 of the Revised 37500
Code. All moneys from the fund shall be used solely for the 37501
salaries and expenses of the board incurred in implementing and 37502
enforcing this chapter. 37503

(C) The board, subject to the approval of the controlling 37504
board, may establish fees in excess of the maximum amounts allowed 37505
under division (A) of this section, but such fees shall not exceed 37506
those maximum amounts by more than fifty per cent. 37507

Sec. 4766.22. (A) Not later than forty-five days after the 37508
end of each fiscal year, the Ohio medical transportation board 37509
shall submit a report to the governor and general assembly that 37510
provides all of the following information for that fiscal year: 37511

(1) The number of each of the following the board issued: 37512

(a) Basic life-support organization licenses; 37513

(b) Intermediate life-support organization licenses; 37514

(c) Advanced life-support organization licenses; 37515

(d) Mobile intensive care unit organization licenses; 37516

(e) Ambulette service licenses; 37517

(f) Air medical service organization licenses; 37518

(g) Ambulance permits; 37519

(h) Nontransport vehicle permits; 37520

(i) Ambulette vehicle permits; 37521

(j) Rotorcraft air ambulance permits; 37522

<u>(k) Fixed wing air ambulance permits.</u>	37523
<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>	37524 37525 37526
<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>	37527 37528 37529 37530
<u>(4) The number of complaints that were submitted to the board;</u>	37531 37532
<u>(5) The number of investigations the board conducted under section 4766.11 of the Revised Code;</u>	37533 37534
<u>(6) The number of adjudication hearings the board held and the outcomes of the adjudications;</u>	37535 37536
<u>(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code;</u>	37537 37538
<u>(8) Other information the board determines reflects the board's operations.</u>	37539 37540
<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>	37541 37542 37543
Sec. 4775.08. (A) The initial and annual renewal fee for a motor vehicle collision repair registration certificate and for a temporary motor vehicle collision repair registration certificate is one hundred fifty dollars for each business location at which the motor vehicle collision repair operator conducts business as an operator, except that the board of motor vehicle collision repair registration, with the approval of the controlling board, may establish fees in excess of or less than that amount, provided that such fees do not exceed or are not less than that amount by	37544 37545 37546 37547 37548 37549 37550 37551 37552

more than fifty per cent. 37553

The board shall adjust the fees as necessary in order to 37554
provide for the expenses associated with carrying out this chapter 37555
~~without causing an excessive build up of surplus funds in the~~ 37556
~~motor vehicle collision repair registration fund, which is hereby~~ 37557
~~created in the state treasury.~~ 37558

(B) If the board has notified or attempted to notify a motor 37559
vehicle collision repair operator that the operator is required to 37560
be registered under this chapter, and the operator fails to 37561
register, the initial fee for the registration of such an 37562
unregistered operator for each business location at which the 37563
operator conducts business as an operator, is the initial fee then 37564
in effect plus an additional amount equal to the initial fee then 37565
in effect for each calendar year that the operator is not 37566
registered after the board has notified or attempted to notify the 37567
operator. 37568

(C) The board shall deposit all fees and fines collected 37569
under this chapter into the ~~motor vehicle collision repair~~ 37570
~~registration fund. The board shall use the fund solely for the~~ 37571
~~administration and enforcement of this chapter~~ occupational 37572
licensing and regulatory fund created by section 4743.05 of the 37573
Revised Code. 37574

Sec. 4921.40. In accordance with section 4921.04 of the 37575
Revised Code, the public utilities commission may adopt rules: 37576

(A) Providing for binding estimates by motor transportation 37577
companies engaged, for hire, in the business of transporting 37578
household goods over a public highway in this state; 37579

(B) Providing for guaranteed-not-to-exceed estimates by such 37580
motor transportation companies; 37581

(C) Requiring such motor transportation companies to include 37582

their certificate number in all advertising, written estimates, 37583
and contracts related to the transportation of household goods in 37584
this state; 37585

(D) As are necessary and proper to carry out this chapter 37586
with respect to such motor transportation companies; 37587

(E) Providing for the enforcement of the consumer protection 37588
provisions of Title 49 of the United States Code related to the 37589
delivery and transportation of household goods in interstate 37590
commerce, as permitted by 49 U.S.C. 14710. Any fine or penalty 37591
imposed as a result of such enforcement shall be deposited into 37592
the state treasury to the credit of the general revenue fund. 37593

Sec. 4923.26. There is hereby created in the state treasury 37594
the federal commercial vehicle transportation systems fund. The 37595
fund shall consist of money received from the United States 37596
department of transportation's commercial vehicle intelligent 37597
transportation systems infrastructure deployment program. The 37598
public utilities commission shall use the fund to deploy the Ohio 37599
commercial vehicle information systems networks project and to 37600
improve safety of motor carrier operations through electronic 37601
exchange of data by means of on-highway electronic systems. 37602

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1410 37603
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 37604
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 37605

(B) The department of job and family services shall act as 37606
the single state agency to administer federal payments for foster 37607
care and adoption assistance made pursuant to Title IV-E. The 37608
director of job and family services shall adopt rules to implement 37609
this authority. Rules governing financial and administrative 37610
requirements applicable to public children services agencies and 37611
government entities that provide Title IV-E reimbursable placement 37612

services to children shall be adopted in accordance with section 37613
111.15 of the Revised Code, as if they were internal management 37614
rules. Rules governing requirements applicable to private child 37615
placing agencies and private noncustodial agencies and rules 37616
establishing eligibility, program participation, and other 37617
requirements concerning Title IV-E shall be adopted in accordance 37618
with Chapter 119. of the Revised Code. A public children services 37619
agency to which the department distributes Title IV-E funds shall 37620
administer the funds in accordance with those rules. 37621

(C)(1) The county, on behalf of each child eligible for 37622
foster care maintenance payments under Title IV-E, shall make 37623
payments to cover the cost of providing all of the following: 37624

(a) The child's food, clothing, shelter, daily supervision, 37625
and school supplies; 37626

(b) The child's personal incidentals; 37627

(c) Reasonable travel to the child's home for visitation. 37628

(2) In addition to payments made under division (C)(1) of 37629
this section, the county may, on behalf of each child eligible for 37630
foster care maintenance payments under Title IV-E, make payments 37631
to cover the cost of providing the following: 37632

(a) Liability insurance with respect to the child; 37633

(b) If the county is participating in the demonstration 37634
project established under division (A) of section 5101.142 of the 37635
Revised Code, services provided under the project. 37636

(3) With respect to a child who is in a child-care 37637
institution, including any type of group home designed for the 37638
care of children or any privately operated program consisting of 37639
two or more certified foster homes operated by a common 37640
administrative unit, the foster care maintenance payments made by 37641
the county on behalf of the child shall include the reasonable 37642

cost of the administration and operation of the institution, group 37643
home, or program, as necessary to provide the items described in 37644
divisions (C)(1) and (2) of this section. 37645

(D) To the extent that either foster care maintenance 37646
payments under division (C) of this section or Title IV-E adoption 37647
assistance payments for maintenance costs require the expenditure 37648
of county funds, the board of county commissioners shall report 37649
the nature and amount of each expenditure of county funds to the 37650
department. 37651

(E) The department shall distribute to public children 37652
services agencies that incur and report ~~such~~ expenditures of the 37653
type described in division (D) of this section federal financial 37654
participation received for administrative and training costs 37655
incurred in the operation of foster care maintenance and adoption 37656
assistance programs. The department may withhold not more than 37657
three per cent of the federal financial participation received. 37658
The funds withheld may be used only to fund the following: 37659

(1) The Ohio child welfare training program established under 37660
section 5103.30 of the Revised Code ~~and the~~ 37661

(2) The university partnership program for college and 37662
university students majoring in social work who have committed to 37663
work for a public children services agency upon graduation. ~~The~~ 37664

(3) Efforts supporting organizational excellence, including 37665
voluntary activities to be accredited by a nationally recognized 37666
accreditation organization. 37667

The funds withheld shall be in addition to any administration 37668
and training cost for which the department is reimbursed through 37669
its own cost allocation plan. 37670

(F) All federal financial participation funds received by a 37671
county pursuant to this section shall be deposited into the 37672
county's children services fund created pursuant to section 37673

5101.144 of the Revised Code. 37674

(G) The department shall periodically publish and distribute 37675
the maximum amounts that the department will reimburse public 37676
children services agencies for making payments on behalf of 37677
children eligible for foster care maintenance payments. 37678

(H) The department, by and through its director, is hereby 37679
authorized to develop, participate in the development of, 37680
negotiate, and enter into one or more interstate compacts on 37681
behalf of this state with agencies of any other states, for the 37682
provision of medical assistance and other social services to 37683
children in relation to whom all of the following apply: 37684

(1) They have special needs. 37685

(2) This state or another state that is a party to the 37686
interstate compact is providing adoption assistance on their 37687
behalf. 37688

(3) They move into this state from another state or move out 37689
of this state to another state. 37690

Sec. 5101.162. Subject to available federal funds and 37691
appropriations made by the general assembly, the department of job 37692
and family services may, at its sole discretion, use available 37693
federal funds to reimburse county expenditures for county 37694
administration of food stamps or medicaid even though the county 37695
expenditures meet or exceed the maximum allowable reimbursement 37696
amount established by rules adopted under section 5101.161 of the 37697
Revised Code ~~if the board of county commissioners has entered into~~ 37698
~~a fiscal agreement with the director of job and family services~~ 37699
~~under section 5101.21 of the Revised Code.~~ The director may adopt 37700
internal management rules in accordance with section 111.15 of the 37701
Revised Code to implement this section. 37702

Sec. 5101.21. (A) As used in ~~this section,~~ "county signer 37703

<u>sections 5101.21 to 5101.212 of the Revised Code:</u>	37704
(1) <u>"County grantee" means all of the following:</u>	37705
(1) (a) <u>A board of county commissioners;</u>	37706
(2) (b) <u>A county children services board appointed under</u>	37707
<u>section 5153.03 of the Revised Code if required by division (B) of</u>	37708
<u>this section to enter into a fiscal agreement;</u>	37709
(3) (c) <u>A county elected official that is a child support</u>	37710
<u>enforcement agency if required by division (B) of this section to</u>	37711
<u>enter into a fiscal agreement.</u>	37712
(2) <u>"County subgrant" means a grant that a county grantee</u>	37713
<u>awards to another entity.</u>	37714
(3) <u>"County subgrant agreement" means an agreement between a</u>	37715
<u>county grantee and another entity under which the county grantee</u>	37716
<u>awards the other entity one or more county subgrants.</u>	37717
(4) <u>"Fiscal biennial period" means a two-year period</u>	37718
<u>beginning on the first day of July of an odd-numbered year and</u>	37719
<u>ending on the last day of June of the next odd-numbered year.</u>	37720
(5) <u>"Grant" means an award for one or more family services</u>	37721
<u>duties of federal financial assistance that a federal agency</u>	37722
<u>provides in the form of money, or property in lieu of money, to</u>	37723
<u>the department of job and family services and that the department</u>	37724
<u>awards to a county grantee. "Grant" may include state funds the</u>	37725
<u>department awards to a county grantee to match the federal</u>	37726
<u>financial assistance. "Grant" does not mean either of the</u>	37727
<u>following:</u>	37728
(a) <u>Technical assistance that provides services instead of</u>	37729
<u>money;</u>	37730
(b) <u>Other assistance provided in the form of revenue sharing,</u>	37731
<u>loans, loan guarantees, interest subsidies, or insurance.</u>	37732
(6) <u>"Grant agreement" means an agreement between the</u>	37733

department of job and family services and a county grantee under 37734
which the department awards the county grantee one or more grants. 37735

(B) The Effective July 1, 2008, the director of job and 37736
family services may award grants to counties only through grant 37737
agreements entered into under this section. 37738

(C) The director shall enter into one or more written fiscal 37739
grant agreements with boards of the county commissioners under 37740
which financial assistance is awarded for family services duties 37741
included in the agreements grantees of each county. Boards of 37742
county commissioners shall select which family services duties to 37743
include in a fiscal agreement. If a board of county commissioners 37744
elects to include family services duties of a public children 37745
services agency and a county children services board appointed 37746
under section 5153.03 of the Revised Code serves as the county's 37747
public children services agency, the board of county commissioners 37748
and county children services board shall jointly enter into the 37749
fiscal agreement with the director. If a board of county 37750
commissioners elects to include family services duties of a child 37751
support enforcement agency and the entity designated under former 37752
section 2301.35 of the Revised Code prior to October 1, 1997, or 37753
designated under section 307.981 of the Revised Code as the 37754
county's child support enforcement agency is an elected official 37755
of the county, the board of county commissioners and county 37756
elected official If a county has multiple county grantees, the 37757
director shall jointly enter into the fiscal grant agreement with 37758
the director all of the county grantees. The initial grant 37759
agreement shall be entered into not later than January 31, 2008, 37760
and shall be in effect for fiscal year 2009. Except as provided in 37761
rules adopted under this section, subsequent grant agreements 37762
shall be entered into before the first day of each successive 37763
fiscal biennial period and shall be in effect for that fiscal 37764
biennial period or, in the case of a grant agreement entered into 37765

after the first day of a fiscal biennial period and except as 37766
provided by section 5101.211 of the Revised Code, for the 37767
remainder of the fiscal biennial period. A ~~fiscal~~ grant agreement 37768
shall do all of the following: 37769

(1) Comply with all of the conditions, requirements, and 37770
restrictions applicable to the family services duties for which 37771
the grants included in the agreement are awarded, including the 37772
conditions, requirements, and restrictions established by the 37773
department, federal or state law, state plans for receipt of 37774
federal financial participation, agreements between the department 37775
and a federal agency, and executive orders issued by the governor; 37776

(2) Establish terms and conditions governing the 37777
accountability for and use of the grants included in the grant 37778
agreement; 37779

(3) Specify ~~the~~ both of the following: 37780

(a) The family services duties ~~included in the agreement and~~ 37781
the ~~for which the grants included in the agreement are awarded;~~ 37782

(b) The private and government entities designated under 37783
section 307.981 of the Revised Code to serve as the county family 37784
services agencies performing the family services duties; 37785

~~(2)~~(4) Provide for the department of job and family services 37786
to award ~~financial assistance for the family services duties~~ 37787
grants included in the agreement in accordance with a methodology 37788
for determining the amount of the award established by rules 37789
adopted under ~~division (D) of this section;~~ 37790

~~(3)~~(5) Specify the form of the ~~award of financial assistance~~ 37791
grants which may be ~~an allocation,~~ a cash draw, reimbursement, 37792
property, ~~advance, working capital advance,~~ or, ~~to the extent~~ 37793
authorized by an appropriation made by the general assembly and ~~to~~ 37794
the extent practicable and not in conflict with a federal or state 37795
law, ~~a consolidated funding allocation for two or more family~~ 37796

~~services duties included in the agreement~~ other forms specified in 37797
rules adopted under this section; 37798

~~(4)(6)~~ Provide that the ~~award of financial assistance is~~ 37799
grants are subject to the availability of federal funds and 37800
appropriations made by the general assembly; 37801

~~(5)(7)~~ Specify annual financial, administrative, or other 37802
incentive awards, if any, to be provided in accordance with 37803
section 5101.23 of the Revised Code; 37804

~~(6)(8)~~ Include the assurance of each county ~~signer~~ grantee 37805
that the county ~~signer~~ grantee will do all of the following: 37806

(a) Ensure that the ~~financial assistance awarded under~~ grants 37807
included in the agreement ~~is~~ are used, and the family services 37808
duties ~~included in for which~~ the agreement grants are awarded are 37809
performed, in accordance with conditions, requirements for, and 37810
restrictions applicable to the duties established by the 37811
department, a federal or state law, ~~or any of the following that~~ 37812
~~concern the family services duties included in the fiscal~~ 37813
~~agreement and are published under section 5101.212 of the Revised~~ 37814
~~Code~~; state plans for receipt of federal financial participation, 37815
~~grant~~ agreements between the department and a federal agency, and 37816
executive orders issued by the governor; 37817

(b) ~~Ensure that the board and county family services agencies~~ 37818
~~utilize~~ Utilize a financial management system and other 37819
accountability mechanisms for the ~~financial assistance~~ grants 37820
awarded under the agreement that meet requirements the department 37821
establishes; 37822

(c) ~~Require the county family services agencies to do both~~ Do 37823
all of the following with regard to a county subgrant: 37824

(i) Award the subgrant through a written county subgrant 37825
agreement that requires the entity awarded the county subgrant to 37826
comply with all conditions, requirements, and restrictions 37827

applicable to the county grantee regarding the grant that the 37828
county grantee subgrants to the entity, including the conditions, 37829
requirements, and restrictions of this section; 37830

~~(ii)~~ Monitor ~~all private and government entities~~ the entity 37831
that ~~receive a payment from financial assistance~~ is awarded under 37832
the ~~agreement~~ subgrant to ensure that ~~each~~ the entity uses the 37833
~~payment~~ subgrant in accordance with conditions, requirements ~~for,~~ 37834
and restrictions applicable to the family services duties included 37835
in for which the agreement subgrant is awarded; 37836

~~(ii)(iii)~~ Take action to recover ~~payments~~ subgrants that are 37837
not used in accordance with the conditions, requirements ~~for, or~~ 37838
restrictions applicable to the family services duties included in 37839
for which the agreement subgrant is awarded. 37840

~~(d)~~ ~~Require county family services agencies to promptly~~ 37841
Promptly reimburse the department the amount that represents the 37842
amount ~~an agency~~ the county grantee is responsible for, pursuant 37843
to action the department takes under division (C) of section 37844
5101.24 of the Revised Code, of funds the department pays to any 37845
entity because of an adverse audit finding, adverse quality 37846
control finding, final disallowance of federal financial 37847
participation, or other sanction or penalty; 37848

~~(e)~~ ~~Require county family services agencies to take~~ Take 37849
prompt corrective action, including paying amounts resulting from 37850
an adverse finding, sanction, or penalty, if the department, 37851
auditor of state, federal agency, or other entity authorized by 37852
federal or state law to determine compliance with the conditions, 37853
requirements ~~for,~~ and restrictions applicable to a family services 37854
duty for which a grant included in the agreement is awarded 37855
determines compliance has not been achieved; 37856

(f) Ensure that any matching funds, regardless of the source, 37857
that the county grantee manages are clearly identified and used in 37858

accordance with federal and state laws and the agreement. 37859

~~(7)~~(9) Provide for the department taking action pursuant to 37860
division (C) of section 5101.24 of the Revised Code if authorized 37861
by division (B)(1), (2), (3), or (4) of that section; 37862

~~(8)~~(10) Provide for the department to do all of the 37863
following: 37864

(a) Provide the county grantee timely and clear written 37865
explanations, and consistent and accurate interpretations, of the 37866
conditions, requirements, and restrictions applicable to the 37867
family services duties for which the grants included in the 37868
agreement are awarded; 37869

(b) Provide the personnel of the county grantee and county 37870
family services agencies, as appropriate, timely and accessible 37871
training regarding changes to the conditions, requirements, and 37872
restrictions applicable to the family services duties for which 37873
the grants included in the agreement are awarded; 37874

(c) Provide a county family services agency technical 37875
assistance necessary for the county family services agency to be 37876
able to implement a family services duty for which a grant 37877
included in the agreement is awarded efficiently and in compliance 37878
with the conditions, requirements, and restrictions applicable to 37879
the family services duty; 37880

(d) Monitor county family services agencies' implementation 37881
of the family services duties for which the grants included in the 37882
agreement are awarded during the period for which the grant is 37883
made to identify problems that can be corrected before the 37884
problems are identified in an audit; 37885

(e) Assist the county grantee to resolve an adverse audit 37886
finding by the federal government, auditor of state, or other 37887
entity by providing the county grantee copies of the department's 37888
directives, assistance in documenting the department's efforts to 37889

work with the county grantee or a county family services agency to 37890
correct problems, and other assistance. 37891

(11) Provide for timely audits required by federal and state 37892
law and require prompt release of audit findings and prompt action 37893
to correct problems identified in an audit; 37894

~~(9)~~ ~~Comply with all of the requirements for the family~~ 37895
~~services duties that are included in the agreement and have been~~ 37896
~~established by the department, federal or state law, or any of the~~ 37897
~~following that concern the family services duties included in the~~ 37898
~~fiscal agreement and are published under section 5101.212 of the~~ 37899
~~Revised Code: state plans for receipt of federal financial~~ 37900
~~participation, grant agreements between the department and a~~ 37901
~~federal agency, and executive orders issued by the governor;~~ 37902

~~(10)~~(12) Provide for ~~dispute resolution~~ administrative review 37903
procedures in accordance with section 5101.24 of the Revised Code; 37904

~~(11)~~(13) Establish the method of amending or terminating the 37905
agreement and an expedited process for correcting terms or 37906
conditions of the agreement that the director and each county 37907
~~signer~~ grantee agree are erroneous; 37908

~~(12)~~ ~~Except as provided in rules adopted under division (D)~~ 37909
~~of this section, begin on the first day of July of an odd numbered~~ 37910
~~year and end on the last day of June of the next odd numbered~~ 37911
~~year.~~ 37912

~~(C)~~(D) A grant agreement does not have to be amended for a 37913
county grantee to be required to comply with a new or amended 37914
condition, requirement, or restriction for a family services duty 37915
established by federal or state law, state plan for receipt of 37916
federal financial participation, agreement between the department 37917
and a federal agency, or executive order issued by the governor. 37918

(E) The department shall make payments authorized by a ~~fiscal~~ 37919
grant agreement on vouchers it prepares and may include any funds 37920

appropriated or allocated to it for carrying out family services 37921
duties for which a grant included in the agreement is awarded, 37922
including funds for personal services and maintenance. 37923

~~(D)~~(F)(1) The director shall adopt rules in accordance with 37924
section 111.15 of the Revised Code governing ~~fiscal~~ grant 37925
agreements. The director shall adopt the rules as if they were 37926
internal management rules. Before adopting the rules, the director 37927
shall give the public an opportunity to review and comment on the 37928
proposed rules. The rules shall establish methodologies to be used 37929
to determine the amount of ~~financial assistance to be awarded~~ 37930
~~under the grants included in~~ the agreements. The rules also shall 37931
establish terms and conditions under which an agreement may be 37932
entered into after the first day of ~~July of an odd numbered year a~~ 37933
fiscal biennial period. The rules may do any or all of the 37934
following: 37935

(a) Govern the award of grants included in grant agreements, 37936
including the establishment of allocations, and restrictions on, 37937
the form of the grants and the distribution of the grants; 37938

(b) Specify allowable uses of ~~financial assistance awarded~~ 37939
~~under the grants included in~~ the agreements; 37940

(c) Establish reporting, cash management, audit, and other 37941
requirements the director determines are necessary to provide 37942
accountability for the use of ~~financial assistance awarded under~~ 37943
the grants included in the agreements and determine compliance 37944
with conditions, requirements, and restrictions established by the 37945
department, a federal or state law, ~~or any of the following that~~ 37946
~~concern the family services duties included in the agreements and~~ 37947
~~are published under section 5101.212 of the Revised Code;~~ state 37948
plans for receipt of federal financial participation, ~~grant~~ 37949
agreements between the department and a federal entity agency, and 37950
executive orders issued by the governor. 37951

(2) A requirement of a ~~fiscal grant~~ agreement established by a rule adopted under this division is applicable to a ~~fiscal grant~~ agreement without having to be restated in the ~~fiscal grant~~ agreement. A requirement established by a grant agreement is applicable to the grant agreement without having to be restated in a rule.

Sec. 5101.211. ~~(A) Except as provided in division (B) of this section, the~~ The director of job and family services may provide for a ~~fiscal grant~~ agreement entered into under section 5101.21 of the Revised Code to have a retroactive effective date of the first day of July of an odd-numbered year if both of the following are the case:

~~(1)(A)~~ The agreement is entered into after that date and before the last day of that July.

~~(2)(B)~~ The board of county commissioners requests the retroactive effective date and provides the director good cause satisfactory to the director for the reason the agreement was not entered into on or before the first day of that July.

~~(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:~~

~~(1) The agreement is entered into after July 1, 2003, and before August 29, 2003.~~

~~(2) The board of county commissioners requests the retroactive effective date.~~

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 37982
department and a federal agency, and executive orders issued by 37983
the governor. The department may publish the materials 37984
electronically or otherwise. 37985

Sec. 5101.213. (A) ~~Except as provided in section 5101.211 of~~ 37986
~~the Revised Code, if a fiscal agreement under section 5101.21 of~~ 37987
~~the Revised Code between the director of job and family services~~ 37988
~~and a board of county commissioners is not in effect~~ Until July 1, 37989
2008, all of the following apply: 37990

(1) ~~The~~ For each board of county commissioners, the 37991
department of job and family services shall award to the county 37992
the board serves financial assistance for family services duties 37993
in accordance with a methodology for determining the amount of the 37994
award established by rules adopted under division (B) of this 37995
section. 37996

(2) The financial assistance may be provided in the form of 37997
allocations, cash draws, reimbursements, and property but may not 37998
be made in the form of a consolidated funding allocation. 37999

(3) The award of the financial assistance is subject to the 38000
availability of federal funds and appropriations made by the 38001
general assembly. 38002

(4) The county family services agencies performing the family 38003
services duties for which the financial assistance is awarded 38004
shall do all of the following: 38005

(a) Use the financial assistance, and perform the family 38006
services duties, in accordance with requirements for the duties 38007
established by the department, a federal or state law, or any of 38008
the following that concern the duties: state plans for receipt of 38009
federal financial participation, grant agreements between the 38010
department and a federal agency, and executive orders issued by 38011

the governor; 38012

(b) Utilize a financial management system and other 38013
accountability mechanisms for the financial assistance that meet 38014
requirements the department establishes; 38015

(c) Monitor all private and government entities that receive 38016
a payment from the financial assistance to ensure that each entity 38017
uses the payment in accordance with requirements for the family 38018
services duties and take action to recover payments that are not 38019
used in accordance with the requirements for the family services 38020
duties; 38021

(d) Promptly reimburse the department the amount that 38022
represents the amount an agency is responsible for, pursuant to 38023
action the department takes under division (C) of section 5101.24 38024
of the Revised Code, of funds the department pays to any entity 38025
because of an adverse audit finding, adverse quality control 38026
finding, final disallowance of federal financial participation, or 38027
other sanction or penalty; 38028

(e) Take prompt corrective action, including paying amounts 38029
resulting from an adverse finding, sanction, or penalty, if the 38030
department, auditor of state, federal agency, or other entity 38031
authorized by federal or state law to determine compliance with 38032
requirements for a family services duty determines compliance has 38033
not been achieved. 38034

(B) The director shall adopt rules in accordance with section 38035
111.15 of the Revised Code as necessary to implement this section. 38036
The director shall adopt the rules as if they were internal 38037
management rules. Before adopting the rules, the director shall 38038
give the public an opportunity to review and comment on the 38039
proposed rules. The rules shall establish methodologies to be used 38040
to determine the amount of financial assistance to be awarded and 38041
may do any or all of the following: 38042

(1) Govern the establishment of funding allocations; 38043

(2) Specify allowable uses of financial assistance the 38044
department awards under this section; 38045

(3) Establish reporting, cash management, audit, and other 38046
requirements the director determines are necessary to provide 38047
accountability for the use of the financial assistance and 38048
determine compliance with requirements established by the 38049
department, a federal or state law, or any of the following that 38050
concern the family services duties for which the financial 38051
assistance is awarded: state plans for receipt of federal 38052
financial participation, grant agreements between the department 38053
and a federal entity, and executive orders issued by the governor. 38054

Sec. 5101.24. (A) As used in this section, "responsible 38055
~~entity county grantee~~" means ~~a board of county commissioners or a~~ 38056
~~county family services agency,~~ whichever county grantee, as 38057
defined in section 5101.21 of the Revised Code, the director of 38058
job and family services determines is appropriate to take action 38059
against under division (C) of this section. 38060

(B) Regardless of whether a family services duty is performed 38061
by a county family services agency, private or government entity 38062
pursuant to a contract entered into under section 307.982 of the 38063
Revised Code or division (C)(2) of section 5153.16 of the Revised 38064
Code, or private or government provider of a family service duty, 38065
the department of job and family services may take action under 38066
division (C) of this section against the responsible ~~entity~~ county 38067
grantee if the department determines any of the following are the 38068
case: 38069

(1) A requirement of a ~~fiscal~~ grant agreement entered into 38070
under section 5101.21 of the Revised Code that includes a grant 38071
for the family services duty, including a requirement for ~~fiscal~~ 38072
grant agreements established by rules adopted under that section, 38073

is not complied with; 38074

(2) A county family services agency fails to develop, submit 38075
to the department, or comply with a corrective action plan under 38076
division (B) of section 5101.221 of the Revised Code, or the 38077
department disapproves the agency's corrective action plan 38078
developed under division (B) of section 5101.221 of the Revised 38079
Code; 38080

(3) A requirement for the family services duty established by 38081
the department or any of the following is not complied with: a 38082
federal or state law, state plan for receipt of federal financial 38083
participation, grant agreement between the department and a 38084
federal agency, or executive order issued by the governor; 38085

(4) The responsible ~~entity~~ county grantee is solely or 38086
partially responsible, as determined by the director of job and 38087
family services, for an adverse audit finding, adverse quality 38088
control finding, final disallowance of federal financial 38089
participation, or other sanction or penalty regarding the family 38090
services duty. 38091

(C) The department may take one or more of the following 38092
actions against the responsible ~~entity~~ county grantee when 38093
authorized by division (B)(1), (2), (3), or (4) of this section: 38094

(1) Require the responsible ~~entity~~ county grantee to comply 38095
with a corrective action plan pursuant to a time schedule 38096
specified by the department. The corrective action plan shall be 38097
established or approved by the department and shall not require a 38098
county ~~family services agency~~ grantee to commit resources to the 38099
plan. 38100

(2) Require the responsible ~~entity~~ county grantee to comply 38101
with a corrective action plan pursuant to a time schedule 38102
specified by the department. The corrective action plan shall be 38103
established or approved by the department and require a county 38104

~~family services agency~~ grantee to commit to the plan existing 38105
resources identified by the agency. 38106

(3) Require the responsible ~~entity~~ county grantee to do one 38107
of the following: 38108

(a) Share with the department a final disallowance of federal 38109
financial participation or other sanction or penalty; 38110

(b) Reimburse the department the final amount the department 38111
pays to the federal government or another entity that represents 38112
the amount the responsible ~~entity~~ county grantee is responsible 38113
for of an adverse audit finding, adverse quality control finding, 38114
final disallowance of federal financial participation, or other 38115
sanction or penalty issued by the federal government, auditor of 38116
state, or other entity; 38117

(c) Pay the federal government or another entity the final 38118
amount that represents the amount the responsible ~~entity~~ county 38119
grantee is responsible for of an adverse audit finding, adverse 38120
quality control finding, final disallowance of federal financial 38121
participation, or other sanction or penalty issued by the federal 38122
government, auditor of state, or other entity; 38123

(d) Pay the department the final amount that represents the 38124
amount the responsible ~~entity~~ county grantee is responsible for of 38125
an adverse audit finding or adverse quality control finding. 38126

(4) Impose an administrative sanction issued by the 38127
department against the responsible ~~entity~~ county grantee. A 38128
sanction may be increased if the department has previously taken 38129
action against the responsible entity under this division. 38130

(5) Perform, or contract with a government or private entity 38131
for the entity to perform, the family services duty until the 38132
department is satisfied that the responsible ~~entity~~ county grantee 38133
ensures that the duty will be performed satisfactorily. If the 38134
department performs or contracts with an entity to perform a 38135

family services duty under division (C)(5) of this section, the 38136
department may do either or both of the following: 38137

(a) Spend funds in the county treasury appropriated by the 38138
board of county commissioners for the duty; 38139

(b) Withhold funds allocated or reimbursements due to the 38140
responsible ~~entity~~ county grantee for the duty and spend the funds 38141
for the duty. 38142

(6) Request that the attorney general bring mandamus 38143
proceedings to compel the responsible ~~entity~~ county grantee to 38144
take or cease the action that causes division (B)(1), (2), (3), or 38145
(4) of this section to apply. The attorney general shall bring 38146
mandamus proceedings in the Franklin county court of appeals at 38147
the department's request. 38148

(7) If the department takes action under this division 38149
because of division (B)(3) of this section, temporarily withhold 38150
funds allocated or reimbursement due to the responsible ~~entity~~ 38151
county grantee until the department determines that the 38152
responsible ~~entity~~ county grantee is in compliance with the 38153
requirement. The department shall release the funds when the 38154
department determines that compliance has been achieved. 38155

(D) If the department proposes to take action against the 38156
responsible ~~entity~~ county grantee under division (C) of this 38157
section, the department shall notify the responsible ~~entity~~ county 38158
grantee, director of the appropriate county family services 38159
agency, and county auditor. The notice shall be in writing and 38160
specify the action the department proposes to take. The department 38161
shall send the notice by regular United States mail. 38162

Except as provided by division (E) of this section, the 38163
responsible ~~entity~~ county grantee may request an administrative 38164
review of a proposed action in accordance with administrative 38165
review procedures the department shall establish. The 38166

administrative review procedures shall comply with all of the 38167
following: 38168

(1) A request for an administrative review shall state 38169
specifically all of the following: 38170

(a) The proposed action specified in the notice from the 38171
department for which the review is requested; 38172

(b) The reason why the responsible entity county grantee 38173
believes the proposed action is inappropriate; 38174

(c) All facts and legal arguments that the responsible entity 38175
county grantee wants the department to consider; 38176

(d) The name of the person who will serve as the responsible 38177
entity's county grantee's representative in the review. 38178

(2) If the department's notice specifies more than one 38179
proposed action and the responsible entity county grantee does not 38180
specify all of the proposed actions in its request pursuant to 38181
division (D)(1)(a) of this section, the proposed actions not 38182
specified in the request shall not be subject to administrative 38183
review and the parts of the notice regarding those proposed 38184
actions shall be final and binding on the responsible entity 38185
county grantee. 38186

(3) In the case of a proposed action under division (C)(1) of 38187
this section, the responsible entity county grantee shall have 38188
fifteen calendar days after the department mails the notice to the 38189
responsible entity county grantee to send a written request to the 38190
department for an administrative review. If it receives such a 38191
request within the required time, the department shall postpone 38192
taking action under division (C)(1) of this section for fifteen 38193
calendar days following the day it receives the request or 38194
extended period of time provided for in division (D)(5) of this 38195
section to allow a representative of the department and a 38196
representative of the responsible entity county grantee an 38197

informal opportunity to resolve any dispute during that 38198
fifteen-day or extended period. 38199

(4) In the case of a proposed action under division (C)(2), 38200
(3), (4), (5), or (7) of this section, the responsible ~~entity~~ 38201
county grantee shall have thirty calendar days after the 38202
department mails the notice to the responsible ~~entity~~ county 38203
grantee to send a written request to the department for an 38204
administrative review. If it receives such a request within the 38205
required time, the department shall postpone taking action under 38206
division (C)(2), (3), (4), (5), or (7) of this section for thirty 38207
calendar days following the day it receives the request or 38208
extended period of time provided for in division (D)(5) of this 38209
section to allow a representative of the department and a 38210
representative of the responsible ~~entity~~ county grantee an 38211
informal opportunity to resolve any dispute during that thirty-day 38212
or extended period. 38213

(5) If the informal opportunity provided in division (D)(3) 38214
or (4) of this section does not result in a written resolution to 38215
the dispute within the fifteen- or thirty-day period, the director 38216
of job and family services and representative of the responsible 38217
~~entity~~ county grantee may enter into a written agreement extending 38218
the time period for attempting an informal resolution of the 38219
dispute under division (D)(3) or (4) of this section. 38220

(6) In the case of a proposed action under division (C)(3) of 38221
this section, the responsible ~~entity~~ county grantee may not 38222
include in its request disputes over a finding, final disallowance 38223
of federal financial participation, or other sanction or penalty 38224
issued by the federal government, auditor of state, or entity 38225
other than the department. 38226

(7) If the responsible ~~entity~~ county grantee fails to request 38227
an administrative review within the required time, the responsible 38228
~~entity~~ county grantee loses the right to request an administrative 38229

review of the proposed actions specified in the notice and the 38230
notice becomes final and binding on the responsible entity county 38231
grantee. 38232

(8) If the informal opportunity provided in division (D)(3) 38233
or (4) of this section does not result in a written resolution to 38234
the dispute within the time provided by division (D)(3), (4), or 38235
(5) of this section, the director shall appoint an administrative 38236
review panel to conduct the administrative review. The review 38237
panel shall consist of department employees and one director or 38238
other representative of the type of county family services agency 38239
that is responsible for the kind of family services duty that is 38240
the subject of the dispute and serves a different county than the 38241
county served by the responsible entity county grantee. No 38242
individual involved in the department's proposal to take action 38243
against the responsible entity county grantee may serve on the 38244
review panel. The review panel shall review the responsible 38245
~~entity's county grantee's~~ request. The review panel may require 38246
that the department or responsible entity county grantee submit 38247
additional information and schedule and conduct an informal 38248
hearing to obtain testimony or additional evidence. A review of a 38249
proposal to take action under division (C)(3) of this section 38250
shall be limited solely to the issue of the amount the responsible 38251
entity county grantee shall share with the department, reimburse 38252
the department, or pay to the federal government, department, or 38253
other entity under division (C)(3) of this section. The review 38254
panel is not required to make a stenographic record of its hearing 38255
or other proceedings. 38256

(9) After finishing an administrative review, an 38257
administrative review panel appointed under division (D)(8) of 38258
this section shall submit a written report to the director setting 38259
forth its findings of fact, conclusions of law, and 38260
recommendations for action. The director may approve, modify, or 38261

disapprove the recommendations. If the director modifies or 38262
disapproves the recommendations, the director shall state the 38263
reasons for the modification or disapproval and the actions to be 38264
taken against the responsible ~~entity~~ county grantee. 38265

(10) The director's approval, modification, or disapproval 38266
under division (D)(9) of this section shall be final and binding 38267
on the responsible ~~entity~~ county grantee and shall not be subject 38268
to further departmental review. 38269

(E) The responsible ~~entity~~ county grantee is not entitled to 38270
an administrative review under division (D) of this section for 38271
any of the following: 38272

(1) An action taken under division (C)(6) of this section; 38273

(2) An action taken under section 5101.242 of the Revised 38274
Code; 38275

(3) An action taken under division (C)(3) of this section if 38276
the federal government, auditor of state, or entity other than the 38277
department has identified the responsible county ~~family services~~ 38278
~~agency~~ grantee as being solely or partially responsible for an 38279
adverse audit finding, adverse quality control finding, final 38280
disallowance of federal financial participation, or other sanction 38281
or penalty; 38282

(4) An adjustment to an allocation, cash draw, advance, or 38283
reimbursement to a responsible county ~~family services agency~~ 38284
grantee that the department determines necessary for budgetary 38285
reasons; 38286

(5) Withholding of a cash draw or reimbursement due to 38287
noncompliance with a reporting requirement established in rules 38288
adopted under section 5101.243 of the Revised Code. 38289

(F) This section does not apply to other actions the 38290
department takes against the responsible ~~entity~~ county grantee 38291

pursuant to authority granted by another state law unless the 38292
other state law requires the department to take the action in 38293
accordance with this section. 38294

(G) The director of job and family services may adopt rules 38295
in accordance with Chapter 119. of the Revised Code as necessary 38296
to implement this section. 38297

Sec. 5101.242. The department of job and family services may 38298
certify a claim to the attorney general under section 131.02 of 38299
the Revised Code for the attorney general to take action under 38300
that section against a responsible county grantee or responsible 38301
entity to recover any funds that the department determines the 38302
responsible county grantee or responsible entity owes the 38303
department for actions taken under division (C)(2), (3), (4), or 38304
(5) of section 5101.24 or 5101.241 of the Revised Code. 38305

Sec. 5101.244. If ~~a county family services agency submits an~~ 38306
~~expenditure report to~~ the department of job and family services 38307
~~and the department subsequently~~ determines that a grant awarded to 38308
a county grantee in a grant agreement entered into under section 38309
5101.21 of the Revised Code, an allocation, advance, or 38310
reimbursement the department makes to ~~the~~ a county family services 38311
agency, or a cash draw ~~the~~ a county family services agency makes, 38312
~~for an expenditure~~ exceeds the allowable amount for the 38313
~~expenditure~~ grant, allocation, advance, reimbursement, or cash 38314
draw, the department may adjust, offset, withhold, or reduce an 38315
allocation, cash draw, advance, reimbursement, or other financial 38316
assistance to the county grantee or county family services agency 38317
as necessary to recover the amount of the excess grant, 38318
allocation, advance, reimbursement, or cash draw. The department 38319
is not required to make the adjustment, offset, withholding, or 38320
reduction in accordance with section 5101.24 of the Revised Code. 38321

The director of job and family services may adopt rules under 38322
section 111.15 of the Revised Code as necessary to implement this 38323
section. The director shall adopt the rules as if they were 38324
internal management rules. 38325

Sec. 5101.27. (A) Except as permitted by this section, 38326
section 5101.272, 5101.28, or 5101.29 of the Revised Code, or the 38327
rules adopted under division (A) of section 5101.30 of the Revised 38328
Code, or required by federal law, no person or government entity 38329
shall solicit, disclose, receive, use, or knowingly permit, or 38330
participate in the use of any information regarding a public 38331
assistance recipient for any purpose not directly connected with 38332
the administration of a public assistance program. 38333

(B) To the extent permitted by federal law, the department of 38334
job and family services and county agencies shall do all of the 38335
following: 38336

(1) Release information regarding a public assistance 38337
recipient for purposes directly connected to the administration of 38338
the program to a government entity responsible for administering 38339
that public assistance program; 38340

(2) Provide information regarding a public assistance 38341
recipient to a law enforcement agency for the purpose of any 38342
investigation, prosecution, or criminal or civil proceeding 38343
relating to the administration of that public assistance program; 38344

(3) Provide, for purposes directly connected to the 38345
administration of a program that assists needy individuals with 38346
the costs of public utility services, information regarding a 38347
recipient of financial assistance provided under a program 38348
administered by the department or a county agency pursuant to 38349
Chapter 5107. or 5108. of the Revised Code or sections 5115.01 to 38350
5115.07 of the Revised Code to an entity administering the public 38351
utility services program. 38352

(C) To the extent permitted by federal law and section 38353
1347.08 of the Revised Code, the department and county agencies 38354
shall provide access to information regarding a public assistance 38355
recipient to all of the following: 38356

(1) The recipient; 38357

(2) The authorized representative; 38358

(3) The legal guardian of the recipient; 38359

(4) The attorney of the recipient, if the attorney has 38360
written authorization that complies with section 5101.271 of the 38361
Revised Code from the recipient. 38362

(D) To the extent permitted by federal law and subject to 38363
division (E) of this section, the department and county agencies 38364
may do both of the following: 38365

(1) Release information about a public assistance recipient 38366
if the recipient gives voluntary, written authorization that 38367
complies with section 5101.271 of the Revised Code; 38368

(2) Release information regarding a public assistance 38369
recipient to a state, federal, or federally assisted program that 38370
provides cash or in-kind assistance or services directly to 38371
individuals based on need or for the purpose of protecting 38372
children to a government entity responsible for administering a 38373
children's protective services program. 38374

(E) Except when the release is required by division (B), (C), 38375
or (D)(2) of this section, the department or county agency shall 38376
release the information only in accordance with the authorization. 38377
The department or county agency shall provide, at no cost, a copy 38378
of each written authorization to the individual who signed it. 38379

(F) The department or county agency may release information 38380
under division (D) of this section concerning the receipt of 38381
medical assistance provided under a public assistance program only 38382

if all of the following conditions are met: 38383

(1) The release of information is for purposes directly 38384
connected to the administration of or provision of medical 38385
assistance provided under a public assistance program; 38386

(2) The information is released to persons or government 38387
entities that are subject to standards of confidentiality and 38388
safeguarding information substantially comparable to those 38389
established for medical assistance provided under a public 38390
assistance program; 38391

(3) The department or county agency has obtained an 38392
authorization consistent with section 5101.271 of the Revised 38393
Code. 38394

(G) Information concerning the receipt of medical assistance 38395
provided under a public assistance program may be released only if 38396
the release complies with this section and rules adopted by the 38397
department pursuant to section 5101.30 of the Revised Code or, if 38398
more restrictive, the Health Insurance Portability and 38399
Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1955, 38400
42 U.S.C. 1320d, et seq., as amended, and regulations adopted by 38401
the United States department of health and human services to 38402
implement the act. 38403

(H) The department of job and family services may adopt rules 38404
defining "authorized representative" for purposes of division 38405
(C)(2) of this section. 38406

Sec. 5101.272. Not later than August 31, 2007, the director 38407
of job and family services shall submit a report to the general 38408
assembly on the costs and potential three-year cost savings 38409
associated with participation in the federally-administered public 38410
assistance reporting information system. If cost savings are 38411
indicated in the report, not later than October 1, 2007, the 38412

department of job and family services shall enter into any 38413
necessary agreements with the United States department of health 38414
and human services and neighboring states to join and participate 38415
as an active member in the public assistance reporting information 38416
system. The department may disclose information regarding a public 38417
assistance recipient to the extent necessary to participate as an 38418
active member in the public assistance reporting information 38419
system. 38420

Sec. 5101.51. In accordance with federal law governing the 38421
children's health insurance program, the director of job and 38422
family services may submit a state child health plan to the United 38423
States secretary of health and human services to provide, except 38424
as provided in section 5101.516 of the Revised Code, health 38425
assistance to uninsured individuals under nineteen years of age 38426
with family incomes above one hundred fifty per cent of the 38427
federal poverty guidelines but not exceeding ~~two~~ three hundred per 38428
cent of the federal poverty guidelines. If the director submits 38429
the plan, the director shall include ~~both~~ all of the following in 38430
the plan and any subsequent amendments to the plan: 38431

(A) The For individuals with family incomes above one hundred 38432
fifty per cent but not exceeding two hundred per cent of the 38433
federal poverty guidelines, the health assistance will not begin 38434
before January 1, 2000. 38435

(B) For individuals with family incomes above two hundred per 38436
cent but not exceeding three hundred per cent of the federal 38437
poverty guidelines, the health assistance will not begin before 38438
January 1, 2008. 38439

(C) The health assistance will be available only while 38440
federal financial participation is available for it. 38441

Sec. 5101.541. The food stamp program fund is hereby created 38442

in the state treasury. The fund shall consist of federal 38443
reimbursement for food stamp program administrative expenses and 38444
other food stamp program expenses. The department of job and 38445
family services shall use the money credited to the fund to pay 38446
for food stamp program administrative expenses and other food 38447
stamp program expenses. 38448

Sec. 5101.571. As used in sections 5101.571 to ~~5101.59~~ 38449
~~5101.591~~ of the Revised Code: 38450

(A) "Information" means all of the following: 38451

(1) An individual's name, address, date of birth, and social 38452
security number; 38453

(2) The group or plan number, or other identifier, assigned 38454
by a third party to a policy held by an individual or a plan in 38455
which the individual participates and the nature of the coverage; 38456

(3) Any other data the director of job and family services 38457
specifies in rules adopted under section 5101.591 of the Revised 38458
Code. 38459

(B) "Medical assistance" means medical items or services 38460
provided under any of the following: 38461

(1) Medicaid, as defined in section 5111.01 of the Revised 38462
Code; 38463

(2) The children's health insurance program part I and part 38464
II established under sections 5101.50 to 5101.5110 of the Revised 38465
Code; 38466

(3) The disability medical assistance program established 38467
under Chapter 5115. of the Revised Code. 38468

(C) "Medical support" means support specified as support for 38469
the purpose of medical care by order of a court or administrative 38470
agency. 38471

~~(B) "Third party" (D) "Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code.~~ 38472
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~~(E)(1) Subject to division (E)(2) of this section, and except as provided in division (E)(3) of this section, "third party" means any health insurer as defined in section 3924.41 of the Revised Code, individual, entity, or public or private program, that is or may be liable to pay all or part of the medical cost of injury, disease, or disability of an applicant or recipient. "Third party" includes any such insurer, individual, entity, or program that would have been obligated to pay for the service, even when such third party limits or excludes payments in the case of an individual who is eligible for medicaid. all of the following:~~ 38475
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~~(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code;~~ 38486
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~~(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis;~~ 38488
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~~(c) A health insuring corporation as defined in section 1751.01 of the Revised Code;~~ 38491
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~~(d) A group health plan as defined in 29 U.S.C. 1167;~~ 38493

~~(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25);~~ 38494
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~~(f) A managed care organization;~~ 38496

~~(g) A pharmacy benefit manager;~~ 38497

~~(h) A third party administrator;~~ 38498

~~(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a public assistance~~ 38499
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recipient or participant. 38502

(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a person or governmental entity listed in division (E)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the case of a public assistance recipient. 38503
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(3) "Third party" does not include the program for medically handicapped children established under section 3701.023 of the Revised Code. 38508
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Sec. 5101.572. ~~Upon the request of the department of job and family services, any~~ (A) A third party as defined in section 5101.571 of the Revised Code shall cooperate with the department of job and family services in identifying individuals for the purpose of establishing third party liability pursuant to Title XIX of the Social Security Act, as amended. ~~The~~ 38511
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(B) In furtherance of the requirement in division (A) of this section and to allow the department to determine any period that the individual or the individual's spouse or dependent may have been covered by the third party and the nature of the coverage, a third party shall provide, as the department so chooses, information or access to information, or both, in the third party's electronic data system on the department's request and in accordance with division (C) of this section. 38517
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(C)(1) If the department chooses to receive information directly, the third party shall provide the information under all of the following circumstances: 38525
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(a) In a medium, format, and manner prescribed by the director of job and family services in rules adopted under section 5101.591 of the Revised Code; 38528
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(b) Free of charge; 38531

(c) Not later than the end of the thirtieth day after the department makes its request, unless a different time is agreed to by the director in writing. 38532
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(2) If the department chooses to receive access to information, the third party shall provide access by a method prescribed by the director of job and family services in rules adopted under section 5101.591 of the Revised Code. In facilitating access, the department may enter into a trading partner agreement with the third party to permit the exchange of information via "ASC X 12N 270/271 Health Care Eligibility Benefit Inquiry and Response" transactions. 38535
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(D) All of the following apply with respect to information provided by a third party to the department under this section: 38543
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(1) The information is confidential and not a public record under section 149.43 of the Revised Code. 38545
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(2) The release of information to the department is not to be considered a violation of any right of confidentiality or contract that the third party may have with covered persons including, but not limited to, contractees, beneficiaries, heirs, assignees, and subscribers. 38547
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(3) The third party is immune from any liability that it may otherwise incur through its release of information to the department. 38552
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The department of job and family services shall limit its use of information gained from third parties to purposes directly connected with the administration of the medicaid program. ~~No~~ 38555
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(E) No third party shall disclose to other parties or make use of any information regarding recipients of aid under Chapter 5107. or 5111. of the Revised Code that it obtains from the department of job and family services, except in the manner provided for by the director of job and family services in 38558
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~~administrative rules. Any information provided by a third party to 38563
the department of job and family services shall not be considered 38564
a violation of any right of confidentiality or contract that the 38565
third party may have with covered persons including, but not 38566
limited to, contractees, beneficiaries, heirs, assignees, and 38567
subscribers. The third party is immune from any liability that it 38568
may otherwise incur through its release of information to the 38569
department of job and family services. 38570~~

Sec. 5101.573. (A) Subject to division (B) of this section, a 38571
third party shall do all of the following: 38572

(1) Accept the department of job and family services' right 38573
of recovery under section 5101.58 of the Revised Code and the 38574
assignment of rights to the department that are described in 38575
section 5101.59 of the Revised Code. 38576

(2) Respond to an inquiry by the department regarding a claim 38577
for payment of a medical item or service that was submitted to the 38578
third party not later than six years after the date of the 38579
provision of such medical item or service; 38580

(3) Pay a claim described in division (A)(2) of this section; 38581

(4) Not deny a claim submitted by the department solely on 38582
the basis of the date of submission of the claim, type or format 38583
of the claim form, or a failure by the medical assistance 38584
recipient who is the subject of the claim to present proper 38585
documentation of coverage at the time of service, if both of the 38586
following are true: 38587

(a) The claim was submitted by the department not later than 38588
six years after the date of the provision of the medical item or 38589
service; 38590

(b) An action by the department to enforce its right of 38591
recovery under section 5101.58 of the Revised Code on the claim 38592

was commenced not later than six years after the department's 38593
submission of the claim. 38594

(B) For purposes of the requirements in division (A) of this 38595
section, a third party shall treat a managed care organization as 38596
the department for a claim in which both of the following are 38597
true: 38598

(1) The individual who is the subject of the claim received a 38599
medical item or service through a managed care organization that 38600
has entered into a contract with the department of job and family 38601
services under section 5111.16 of the Revised Code; 38602

(2) The department has assigned its right of recovery for the 38603
claim to the managed care organization. 38604

Sec. 5101.574. No third party shall consider whether an 38605
individual is eligible for or receives medical assistance when 38606
either of the following applies: 38607

(A) The individual seeks to obtain a policy or enroll in a 38608
plan or program operated or administered by the third party; 38609

(B) The individual, or a person or governmental entity on the 38610
individual's behalf, seeks payment for a medical item or service 38611
provided to the individual. 38612

Sec. 5101.575. If a third party violates section 5101.572, 38613
5101.573, or 5101.574 of the Revised Code, a governmental entity 38614
that is responsible for issuing a license, certificate of 38615
authority, registration, or approval that authorizes the third 38616
party to do business in this state shall, in accordance with 38617
Chapter 119. of the Revised Code, deny, revoke, or terminate, as 38618
determined to be appropriate by the governmental entity, the 38619
license, certificate, registration, or approval of the third 38620
party. In addition, the attorney general may petition a court of 38621
common pleas to enjoin the violation. 38622

~~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.~~

(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 recipient or participant. ~~In A payment, settlement, compromise, judgment, or award that excludes the cost of medical assistance paid for by a department shall not preclude a department from enforcing its rights under this section.~~

(B) In the case of a recipient or participant who receives medical ~~services or care~~ assistance through a managed care organization, the amount of the department's or county department's claim shall be the amount the managed care organization pays for medical ~~services or care~~ assistance rendered to the recipient or participant, even if that amount is more than the amount ~~the departments pay~~ a department pays to the managed

care organization for the recipient's or participant's medical 38655
services or care. Any settlement, compromise, judgment, or award 38656
that excludes the cost of medical services or care shall not 38657
preclude the departments from enforcing their rights under this 38658
section assistance. 38659

Prior to initiating any (C) A recipient or participant, and 38660
the recipient's or participant's attorney, if any, shall cooperate 38661
with the departments. In furtherance of this requirement, the 38662
recipient or participant, or the recipient's or participant's 38663
attorney, if any, shall, not later than thirty days after 38664
initiating informal recovery activity or filing a legal recovery 38665
action, the recipient or participant, or the recipient's or 38666
participant's representative, shall disclose against a third 38667
party, provide written notice of the activity or action to the 38668
appropriate department or departments as follows: 38669

(1) To only the department of job and family services when 38670
medical assistance under medicaid has been paid; 38671

(2) To the department of job and family services and the 38672
appropriate county department of job and family services when 38673
medical assistance under the disability medical assistance program 38674
has been paid. 38675

(D) The written notice that must be given under division (C) 38676
of this section shall disclose the identity and address of any 38677
third party against whom the recipient or participant has or may 38678
have a right of recovery. Disclosure shall be made to the 38679
department of job and family services when medical expenses have 38680
been paid pursuant to Chapter 5111. or 5115. of the Revised Code. 38681
Disclosure shall be made to both the department of job and family 38682
services and the appropriate county department of job and family 38683
services when medical expenses have been paid pursuant to Chapter 38684
5115. of the Revised Code. No 38685

(E) No settlement, compromise, judgment, or award or any recovery in any action or claim by a recipient or participant where the departments have a right of recovery shall be made final without first giving the appropriate departments written notice as described in division (C) of this section and a reasonable opportunity to perfect their rights of recovery. If the departments are not given the appropriate written notice, the recipient or participant ~~is~~ and, if there is one, the recipient's or participant's attorney, are liable to reimburse the departments for the recovery received to the extent of medical payments made by the departments. ~~The~~

(F) The departments shall be permitted to enforce their recovery rights against the third party even though they accepted prior payments in discharge of their rights under this section if, at the time the departments received such payments, they were not aware that additional medical expenses had been incurred but had not yet been paid by the departments. The third party becomes liable to the department of job and family services or county department of job and family services as soon as the third party is notified in writing of the valid claims for recovery under this section.

~~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 38718
and other expenses incurred by the recipient or participant in 38719
securing the judgment, award, settlement, or compromise, shall 38720
first be deducted from the total judgment, award, settlement, or 38721
compromise. After fees, costs, and other expenses are deducted 38722
from the total judgment, award, settlement, or compromise, the 38723
department of job and family services or appropriate county 38724
department of job and family services shall receive no less than 38725
one-half of the remaining amount, or the actual amount of medical 38726
assistance paid, whichever is less. 38727

(H) A right of recovery created by this section may be 38728
enforced separately or jointly by the department of job and family 38729
services or the appropriate county department of job and family 38730
services. To enforce their recovery rights, the departments may do 38731
any of the following: 38732

~~(A)(1)~~ Intervene or join in any action or proceeding brought 38733
by the recipient or participant or on the recipient's or 38734
participant's behalf against any third party who may be liable for 38735
the cost of medical ~~services and care arising out of the~~ 38736
~~recipient's or participant's injury, disease, or disability~~ 38737
assistance paid; 38738

~~(B)(2)~~ Institute and pursue legal proceedings against any 38739
third party who may be liable for the cost of medical ~~services and~~ 38740
~~care arising out of the recipient's or participant's injury,~~ 38741
~~disease, or disability~~ assistance paid; 38742

~~(C)(3)~~ Initiate legal proceedings in conjunction with ~~the~~ any 38743
injured, diseased, or disabled recipient or participant or the 38744
recipient's or participant's ~~legal~~ attorney or representative. 38745

~~Recovery rights created by this section may be enforced~~ 38746
~~separately or jointly by the department of job and family services~~ 38747
~~and the county department of job and family services.~~ 38748

(I) A recipient or participant shall not assess attorney fees, costs, or other expenses against the department of job and family services or a county department of job and family services when the department or county department enforces its right of recovery created by this section. 38749
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(J) The right of recovery given to the department under this section does not include rights to support from any other person assigned to the state under sections 5107.20 and 5115.07 of the Revised Code, but includes payments made by a third party under contract with a person having a duty to support. 38754
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~~The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code the department considers necessary to implement this section.~~ 38759
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Sec. 5101.59. (A) The application for, or acceptance of, public assistance constitutes an automatic assignment of certain rights to the department of job and family services. This assignment includes the rights of the applicant, recipient, or participant and also the rights of any other member of the assistance group for whom the applicant, recipient, or participant can legally make an assignment. 38762
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(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. 38769
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Medicare benefits shall not be assigned pursuant to this 38780
section. Benefits assigned to the department by operation of this 38781
section are directly reimbursable to the department by liable 38782
third parties. 38783

~~(B)~~(C) Refusal by the applicant, recipient, or participant to 38784
cooperate in obtaining medical ~~support and payments~~ assistance 38785
paid for self or any other member of the assistance group renders 38786
the applicant, recipient, or participant ineligible for public 38787
assistance, unless cooperation is waived by the department. 38788
Eligibility shall continue for any individual who cannot legally 38789
assign the individual's own rights and who would have been 38790
eligible for public assistance but for the refusal to assign the 38791
individual's rights or to cooperate as required by this section by 38792
another person legally able to assign the individual's rights. 38793

(D) If the applicant, recipient, or participant or any member 38794
of the assistance group becomes ineligible for public assistance, 38795
the department shall restore to the applicant, recipient, 38796
participant, or member of the assistance group any future rights 38797
to benefits assigned under this section. 38798

(E) The rights of assignment given to the department under 38799
this section do not include rights to support assigned under 38800
section 5107.20 or 5115.07 of the Revised Code. 38801

~~(C) The director of job and family services may adopt rules 38802
in accordance with Chapter 119. of the Revised Code to implement 38803
this section, including rules that specify what constitutes 38804
cooperating with efforts to obtain medical support and payments 38805
and when the cooperation requirement may be waived. 38806~~

Sec. 5101.591. (A) Except as provided in division (B) of this 38807
section, the director of job and family services may adopt rules 38808
in accordance with Chapter 119. of the Revised Code to implement 38809
sections 5101.571 to 5101.59 of the Revised Code, including rules 38810

that specify what constitutes cooperating with efforts to obtain support or payments, or medical assistance payments, and when cooperation may be waived. 38811
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(B) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following: 38814
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(1) For purposes of the definition of "information" in division (A) of section 5101.571 of the Revised Code, any data other than the data specified in that division that should be included in the definition. 38816
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(2) For purposes of division (C)(1)(a) of section 5101.572 of the Revised Code, the medium, format, and manner in which a third party must provide information to the department. 38820
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(3) For purposes of division (C)(2) of section 5101.572 of the Revised Code, the method by which a third party must provide the department with access to information. 38823
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Sec. 5101.802. (A) As used in this section: 38826

(1) "Custodian," "guardian," and "minor child" have the same meanings as in section 5107.02 of the Revised Code. 38827
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(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 38829
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(3) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code. 38831
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(B) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the kinship permanency incentive program to promote permanency for a minor child in the legal and physical custody of a kinship caregiver. The program shall provide an initial one-time incentive payment to the kinship caregiver to defray the costs of initial placement of the minor child in the kinship caregiver's home. The program may provide additional permanency incentive payments for the minor child at 38833
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six month intervals for a total period not to exceed thirty-six months. 38841
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(C) A kinship caregiver may participate in the program if all of the following requirements are met: 38843
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(1) The kinship caregiver applies to a public children services agency in accordance with the application process established in rules authorized by division (E) of this section; 38845
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~~(2) The minor child the kinship caregiver is caring for is a child with special needs as that term is defined in rules adopted under section 5153.163 of the Revised Code;~~ 38848
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~~(3) A Not earlier than July 1, 2005, a juvenile court has adjudicated the minor child to be an abused, neglected, dependent, or unruly child and determined that it is in the child's best interest to be in the issues an order granting legal custody of to the kinship caregiver, or the a probate court has determined that it is in the child's best interest to be in the guardianship of grants guardianship to the kinship caregiver, except that a temporary court order is not sufficient to meet this requirement;~~ 38851
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~~(4)~~(3) The kinship caregiver is either the minor child's custodian or guardian; 38859
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~~(5)~~(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; 38861
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~~(6) The~~(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 ~~two~~ three hundred per cent of the federal poverty guidelines. 38864
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(D) Public children services agencies shall make initial and ongoing eligibility determinations for the kinship permanency 38869
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incentive program in accordance with rules authorized by division 38871
(E) of this section. The director of job and family services shall 38872
supervise public children services agencies' duties under this 38873
section. 38874

(E) The director of job and family services shall adopt rules 38875
under division (C) of section 5101.801 of the Revised Code as 38876
necessary to implement the kinship permanency incentive program. 38877
The rules shall establish all of the following: 38878

(1) The application process for the program; 38879

(2) The placement approval process through which a minor 38880
child is placed with a kinship caregiver for the kinship caregiver 38881
to be eligible for the program; 38882

(3) The initial and ongoing eligibility determination process 38883
for the program, including the computation of income eligibility; 38884

(4) The amount of the incentive payments provided under the 38885
program; 38886

(5) The method by which the incentive payments are provided 38887
to a kinship caregiver; 38888

~~(6) Anything else the director considers necessary to 38889
implement the program. 38890~~

~~(F) The director shall begin implementation of the kinship 38891
permanency incentive program no later than January 1, 2006. The 38892
amendments made to this section by Am. Sub. H.B. 119 of the 127th 38893
general assembly shall not affect the eligibility of any kinship 38894
caregiver whose eligibility was established before the effective 38895
date of the amendments. 38896~~

Sec. 5101.98. (A) There is hereby created in the state 38897
treasury the military injury relief fund, which shall consist of 38898
money contributed to it under section 5747.113 of the Revised 38899
Code, of incentive grants authorized by the "Jobs for Veterans 38900

Act," 116 Stat. 2033 (2002), and of contributions made directly to 38901
it. Any person or entity may contribute directly to the fund in 38902
addition to or independently of the income tax refund contribution 38903
system established in section 5747.113 of the Revised Code. 38904

(B) Upon application, the director of job and family services 38905
shall grant money in the fund to individuals injured while in 38906
active service as a member of the armed forces of the United 38907
States ~~and~~ while serving under operation Iraqi freedom or 38908
operation enduring freedom and to individuals diagnosed with 38909
post-traumatic stress disorder while serving, or after having 38910
served, in operation Iraqi freedom or operation enduring freedom. 38911

(C) An individual who receives a grant under this section is 38912
~~not~~ precluded from receiving ~~one or more~~ additional grants under 38913
this section ~~and~~ during the same state fiscal year but is not 38914
precluded from being considered for or receiving other assistance 38915
offered by the department of job and family services. 38916

(D) The director shall adopt rules under Chapter 119. of the 38917
Revised Code establishing: 38918

(1) Forms and procedures by which individuals may apply for a 38919
grant under this section; 38920

(2) Criteria for reviewing, evaluating, and ~~ranking~~ approving 38921
or denying grant applications; 38922

(3) Criteria for determining the amount of grants awarded 38923
under this section; ~~and~~ 38924

(4) Definitions and standards applicable to determining 38925
whether an individual meets the requirements established in 38926
division (B) of this section; 38927

(5) The process for appealing eligibility determinations; and 38928

(6) Any other rules necessary to administer the grant program 38929
established in this section. 38930

(E) 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.

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Sec. 5104.30. (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:

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(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code;

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(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;

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(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;

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(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;

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(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

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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

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are involved in regulation or funding of child care. The 38961
department shall consider the special needs of migrant workers 38962
when it administers and coordinates publicly funded child care and 38963
shall develop appropriate procedures for accommodating the needs 38964
of migrant workers for publicly funded child care. 38965

(B) The department of job and family services shall 38966
distribute state and federal funds for publicly funded child care, 38967
including appropriations of state funds for publicly funded child 38968
care and appropriations of federal funds available under the child 38969
care block grant act, Title IV-A, and Title XX. The department may 38970
use any state funds appropriated for publicly funded child care as 38971
the state share required to match any federal funds appropriated 38972
for publicly funded child care. 38973

(C) In the use of federal funds available under the child 38974
care block grant act, all of the following apply: 38975

(1) The department may use the federal funds to hire staff to 38976
prepare any rules required under this chapter and to administer 38977
and coordinate federal and state funding for publicly funded child 38978
care. 38979

(2) Not more than five per cent of the aggregate amount of 38980
the federal funds received for a fiscal year may be expended for 38981
administrative costs. 38982

(3) The department shall allocate and use at least four per 38983
cent of the federal funds for the following: 38984

(a) Activities designed to provide comprehensive consumer 38985
education to parents and the public; 38986

(b) Activities that increase parental choice; 38987

(c) Activities, including child care resource and referral 38988
services, designed to improve the quality, and increase the 38989
supply, of child care; 38990

(d) Establishing a voluntary child day-care center 38991
quality-rating program in which participation in the program may 38992
allow a child day-care center to be eligible for grants, technical 38993
assistance, training, or other assistance and become eligible for 38994
unrestricted monetary awards for maintaining a quality rating. 38995

(4) The department shall ensure that the federal funds will 38996
be used only to supplement, and will not be used to supplant, 38997
federal, state, and local funds available on the effective date of 38998
the child care block grant act for publicly funded child care and 38999
related programs. A county department of job and family services 39000
may purchase child care from funds obtained through any other 39001
means. 39002

(D) The department shall encourage the development of 39003
suitable child care throughout the state, especially in areas with 39004
high concentrations of recipients of public assistance and 39005
families with low incomes. The department shall encourage the 39006
development of suitable child care designed to accommodate the 39007
special needs of migrant workers. On request, the department, 39008
through its employees or contracts with state or community child 39009
care resource and referral service organizations, shall provide 39010
consultation to groups and individuals interested in developing 39011
child care. The department of job and family services may enter 39012
into interagency agreements with the department of education, the 39013
board of regents, the department of development, and other state 39014
agencies and entities whenever the cooperative efforts of the 39015
other state agencies and entities are necessary for the department 39016
of job and family services to fulfill its duties and 39017
responsibilities under this chapter. 39018

The department shall develop and maintain a registry of 39019
persons providing child care. The director shall adopt rules 39020
pursuant to Chapter 119. of the Revised Code establishing 39021
procedures and requirements for the registry's administration. 39022

(E)(1) The director shall adopt rules in accordance with 39023
Chapter 119. of the Revised Code establishing both of the 39024
following: 39025

(a) Reimbursement ceilings for providers of publicly funded 39026
child care; 39027

(b) A procedure for reimbursing and paying providers of 39028
publicly funded child care. 39029

(2) In establishing reimbursement ceilings under division 39030
(E)(1)(a) of this section, the director shall do all of the 39031
following: 39032

(a) Use the information obtained under division (B)(3) of 39033
section 5104.04 of the Revised Code; 39034

(b) Establish an enhanced reimbursement ceiling for providers 39035
who provide child care for caretaker parents who work 39036
nontraditional hours; 39037

(c) For a type B family day-care home provider that has 39038
received limited certification pursuant to rules adopted under 39039
division (G)(1) of section 5104.011 of the Revised Code, establish 39040
a reimbursement ceiling that is the following: 39041

(i) If the provider is a person described in division 39042
(G)(1)(a) of section 5104.011 of the Revised Code, seventy-five 39043
per cent of the reimbursement ceiling that applies to a type B 39044
family day-care home certified by the same county department of 39045
job and family services pursuant to section 5104.11 of the Revised 39046
Code; 39047

(ii) If the provider is a person described in division 39048
(G)(1)(b) of section 5104.011 of the Revised Code, sixty per cent 39049
of the reimbursement ceiling that applies to a type B family 39050
day-care home certified by the same county department pursuant to 39051
section 5104.11 of the Revised Code. 39052

(3) In establishing reimbursement ceilings under division	39053
(E)(1)(a) of this section, the director may establish different	39054
reimbursement ceilings based on any of the following:	39055
(a) Geographic location of the provider;	39056
(b) Type of care provided;	39057
(c) Age of the child served;	39058
(d) Special needs of the child served;	39059
(e) Whether the expanded hours of service are provided;	39060
(f) Whether weekend service is provided;	39061
(g) Whether the provider has exceeded the minimum	39062
requirements of state statutes and rules governing child care;	39063
(h) Any other factors the director considers appropriate.	39064
<u>(F) The director shall adopt rules in accordance with Chapter</u>	39065
<u>119. of the Revised Code to implement the voluntary child day-care</u>	39066
<u>center quality-rating program described in division (C)(3)(d) of</u>	39067
<u>this section.</u>	39068
Sec. 5107.02. As used in this chapter:	39069
(A) "Adult" means an individual who is not a minor child.	39070
(B) "Assistance group" means a group of individuals treated	39071
as a unit for purposes of determining eligibility for and the	39072
amount of assistance provided under Ohio works first.	39073
(C) "Custodian" means an individual who has legal custody, as	39074
defined in section 2151.011 of the Revised Code, of a minor child	39075
or comparable status over a minor child created by a court of	39076
competent jurisdiction in another state.	39077
(D) "Guardian" means an individual that is granted authority	39078
by a probate court pursuant to Chapter 2111. of the Revised Code,	39079
or a court of competent jurisdiction in another state, to exercise	39080

parental rights over a minor child to the extent provided in the 39081
court's order and subject to residual parental rights of the minor 39082
child's parents. 39083

(E) "LEAP program" means the learning, earning, and parenting 39084
program conducted under section 5107.30 of the Revised Code. 39085

(F) "Minor child" means either of the following: 39086

(1) An individual who has not attained age eighteen; 39087

(2) An individual who has not attained age nineteen and is a 39088
full-time student in a secondary school or in the equivalent level 39089
of vocational or technical training. 39090

~~(F)~~(G) "Minor head of household" means a minor child who is 39091
either of the following: 39092

(1) Is married, at least six months pregnant, and a member of 39093
an assistance group that does not include an adult; 39094

(2) Is married and is a parent of a child included in the 39095
same assistance group that does not include an adult. 39096

~~(G)~~(H) "Ohio works first" means the program established by 39097
this chapter known as temporary assistance for needy families in 39098
Title IV-A. 39099

~~(H)~~(I) "Payment standard" means the amount specified in rules 39100
adopted under section 5107.05 of the Revised Code that is the 39101
maximum amount of cash assistance an assistance group may receive 39102
under Ohio works first from state and federal funds. 39103

~~(I)~~(J) "Specified relative" means the following individuals 39104
who are age eighteen or older: 39105

(1) The following individuals related by blood or adoption: 39106

(a) Grandparents, including grandparents with the prefix 39107
"great," "great-great," or "great-great-great"; 39108

(b) Siblings; 39109

(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";

(d) First cousins and first cousins once removed.

(2) Stepparents and stepsiblings;

(3) Spouses and former spouses of individuals named in division ~~(I)~~(J)(1) or (2) of this section.

~~(J)~~(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.

Sec. 5107.03. 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.

~~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 assistance that results from such a use of county funds shall not be included as countable income, gross earned income, or gross unearned income of the assistance group.~~

Sec. 5107.04. As used in this section, "cost-of-living adjustment" means the cost-of-living adjustment made by the United States commissioner of social security under 42 U.S.C. 415(i) for benefits provided under Title II of the "Social Security Act of

1935." 39140

The department of job and family services shall make all cash 39141
assistance payments for Ohio works first from funds appropriated 39142
for the Ohio works first program. The amount of a cash assistance 39143
payment the department is to make to an assistance group shall be 39144
determined in accordance with rules adopted under section 5107.05 39145
of the Revised Code and shall not exceed the payment standard. The 39146
department shall increase the payment standard on January 1, 2009, 39147
and the first day of each January thereafter by the cost-of-living 39148
adjustment made in the immediately preceding December. 39149

A county department of job and family services may use county 39150
funds to increase the amount of cash assistance an assistance 39151
group receives. An increase in the amount of cash assistance that 39152
results from such a use of county funds shall not be included as 39153
countable income, gross earned income, or gross unearned income of 39154
the assistance group. 39155

Sec. 5107.05. The director of job and family services shall 39156
adopt rules to implement this chapter. The rules shall be 39157
consistent with Title IV-A, Title IV-D, federal regulations, state 39158
law, the Title IV-A state plan submitted to the United States 39159
secretary of health and human services under section 5101.80 of 39160
the Revised Code, amendments to the plan, and waivers granted by 39161
the United States secretary. Rules governing eligibility, program 39162
participation, and other applicant and participant requirements 39163
shall be adopted in accordance with Chapter 119. of the Revised 39164
Code. Rules governing financial and other administrative 39165
requirements applicable to the department of job and family 39166
services and county departments of job and family services shall 39167
be adopted in accordance with section 111.15 of the Revised Code. 39168

(A) The rules shall specify, establish, or govern all of the 39169
following: 39170

(1) A payment standard for Ohio works first based on federal 39171
and state appropriations that is increased in accordance with 39172
section 5107.04 of the Revised Code; 39173

(2) ~~The~~ For the purpose of section 5107.04 of the Revised 39174
Code, the method of determining the amount of cash assistance an 39175
assistance group receives under Ohio works first; 39176

(3) Requirements for initial and continued eligibility for 39177
Ohio works first, including requirements regarding income, 39178
citizenship, age, residence, and assistance group composition. ~~The~~ 39179
~~rules regarding income shall specify what is countable income,~~ 39180
~~gross earned income, and gross unearned income for the purpose of~~ 39181
~~section 5107.10 of the Revised Code.;~~ 39182

(4) For the purpose of section 5107.12 of the Revised Code, 39183
application and verification procedures, including the minimum 39184
information an application must contain. ~~If there are at least two~~ 39185
~~telephone numbers available that a county department of human~~ 39186
~~services can call to contact members of an assistance group, which~~ 39187
~~may include the telephone number of an individual who can contact~~ 39188
~~an assistance group member for the county department, the minimum~~ 39189
~~information shall include at least those two telephone numbers.;~~ 39190

(5) The extent to which a participant of Ohio works first 39191
must notify, pursuant to section 5107.12 of the Revised Code, a 39192
county department of job and family services of additional income 39193
not previously reported to the county department; 39194

(6) For the purpose of section 5107.16 of the Revised Code, 39195
standards for the determination of good cause for failure or 39196
refusal to comply in full with a provision of a self-sufficiency 39197
contract; 39198

(7) The department of job and family services providing 39199
written notice of a sanction under section 5107.161 of the Revised 39200
Code; 39201

~~(7)~~(8) Requirements for the collection and distribution of support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code;

~~(8)~~(9) For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate. ~~The rule shall be consistent with 42 U.S.C.A. 654(29).~~

~~(9)~~(10) The requirements governing the LEAP program ~~provided for under section 5107.30 of the Revised Code~~, including the definitions of "equivalent of a high school diploma" and "good cause," and the incentives provided under the LEAP program;

~~(10)~~(11) If the director implements section 5107.301 of the Revised Code, the requirements governing the award provided under that section, including the form that the award is to take and requirements an individual must satisfy to receive the award;

~~(11)~~(12) Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code. ~~Circumstances shall include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation.~~

~~(12)~~(13) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code.

(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of

section 5107.10 of the Revised Code. 39233

The rules adopted under division (A)(9) of this section shall 39234
be consistent with 42 U.S.C. 654(29). 39235

The rules adopted under division (A)(12) of this section 39236
shall specify that the circumstances include that a school or 39237
place of work is closed due to a holiday or weather or other 39238
emergency and that an employer grants the minor head of household 39239
or adult leave for illness or earned vacation. 39240

(C) The rules may provide that a county department of job and 39241
family services is not required to take action under section 39242
5107.76 of the Revised Code to recover an erroneous payment that 39243
is below an amount the department specifies. 39244

Sec. 5107.10. (A) As used in this section: 39245

(1) "Countable income," "gross earned income," and "gross 39246
unearned income" have the meanings established in rules adopted 39247
under section 5107.05 of the Revised Code. 39248

(2) "Federal poverty guidelines" has the same meaning as in 39249
section 5101.46 of the Revised Code, except that references to a 39250
person's family in the definition shall be deemed to be references 39251
to the person's assistance group. 39252

(3) "Gross income" means gross earned income and gross 39253
unearned income. 39254

(4) ~~"Initial eligibility threshold" means the higher of the~~ 39255
~~following:~~ 39256

~~(a) Fifty per cent of the federal poverty guidelines;~~ 39257

~~(b) The gross income maximum for initial eligibility for Ohio~~ 39258
~~works first as that maximum was set by division (D)(1)(a) of this~~ 39259
~~section on the day before the effective date of this amendment.~~ 39260

~~(5) "Strike" means continuous concerted action in failing to~~ 39261

report to duty; willful absence from one's position; or stoppage 39262
of work in whole from the full, faithful, and proper performance 39263
of the duties of employment, for the purpose of inducing, 39264
influencing, or coercing a change in wages, hours, terms, and 39265
other conditions of employment. "Strike" does not include a 39266
stoppage of work by employees in good faith because of dangerous 39267
or unhealthful working conditions at the place of employment that 39268
are abnormal to the place of employment. 39269

(B) Under the Ohio works first program, an assistance group 39270
shall receive, except as otherwise provided by this chapter, 39271
time-limited cash assistance. In the case of an assistance group 39272
that includes a minor head of household or adult, assistance shall 39273
be provided in accordance with the self-sufficiency contract 39274
entered into under section 5107.14 of the Revised Code. 39275

(C) To be eligible to participate in Ohio works first, an 39276
assistance group must meet all of the following requirements: 39277

(1) The assistance group, except as provided in division (E) 39278
of this section, must include at least one of the following: 39279

(a) A minor child who, except as provided in section 5107.24 39280
of the Revised Code, resides with a parent, or specified relative 39281
caring for the child, or, to the extent permitted by Title IV-A 39282
and federal regulations adopted until Title IV-A, resides with a 39283
guardian or custodian caring for the child; 39284

(b) A parent residing with and caring for the parent's minor 39285
child who receives supplemental security income under Title XVI of 39286
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 39287
as amended, or federal, state, or local adoption assistance; 39288

(c) A specified relative residing with and caring for a minor 39289
child who is related to the specified relative in a manner that 39290
makes the specified relative a specified relative and receives 39291
supplemental security income or federal, state, or local foster 39292

care or adoption assistance;	39293
(d) A woman at least six months pregnant.	39294
(2) The assistance group must meet the income requirements established by division (D) of this section.	39295 39296
(3) No member of the assistance group may be involved in a strike.	39297 39298
(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.	39299 39300 39301
(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code.	39302 39303 39304
(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:	39305 39306 39307 39308
(a) Determine whether the assistance group's gross income exceeds the initial eligibility threshold <u>fifty per cent of the federal poverty guidelines</u> . 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 income, less the amounts disregarded, exceeds the initial eligibility threshold <u>fifty per cent of the federal poverty guidelines</u> .	39309 39310 39311 39312 39313 39314 39315 39316 39317 39318
(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed the initial eligibility threshold <u>fifty per cent of the federal poverty guidelines</u> , determine whether the assistance	39319 39320 39321 39322

group's countable income is less than the payment standard. The 39323
assistance group is ineligible to participate in Ohio works first 39324
if the assistance group's countable income equals or exceeds the 39325
payment standard. 39326

(2) For the purpose of determining whether an assistance 39327
group meets the income requirement established by division 39328
(D)(1)(a) of this section, the annual revision that the United 39329
States department of health and human services makes to the 39330
federal poverty guidelines shall go into effect on the first day 39331
of July of the year for which the revision is made. 39332

(3) To determine whether an assistance group participating in 39333
Ohio works first continues to be eligible to participate, a county 39334
department of job and family services shall determine whether the 39335
assistance group's countable income continues to be less than the 39336
payment standard. In making this determination, the county 39337
department shall disregard the first two hundred fifty dollars and 39338
fifty per cent of the remainder of the assistance group's gross 39339
earned income. No amounts shall be disregarded from the assistance 39340
group's gross unearned income. The assistance group ceases to be 39341
eligible to participate in Ohio works first if its countable 39342
income, less the amounts disregarded, equals or exceeds the 39343
payment standard. 39344

(4) If an assistance group reapplies to participate in Ohio 39345
works first not more than four months after ceasing to 39346
participate, a county department of job and family services shall 39347
use the income requirement established by division (D)(3) of this 39348
section to determine eligibility for resumed participation rather 39349
than the income requirement established by division (D)(1) of this 39350
section. 39351

(E)(1) An assistance group may continue to participate in 39352
Ohio works first even though a public children services agency 39353
removes the assistance group's minor children from the assistance 39354

group's home due to abuse, neglect, or dependency if the agency 39355
does both of the following: 39356

(a) Notifies the county department of job and family services 39357
at the time the agency removes the children that it believes the 39358
children will be able to return to the assistance group within six 39359
months; 39360

(b) Informs the county department at the end of each of the 39361
first five months after the agency removes the children that the 39362
parent, guardian, custodian, or specified relative of the children 39363
is cooperating with the case plans prepared for the children under 39364
section 2151.412 of the Revised Code and that the agency is making 39365
reasonable efforts to return the children to the assistance group. 39366

(2) An assistance group may continue to participate in Ohio 39367
works first pursuant to division (E)(1) of this section for not 39368
more than six payment months. This division does not affect the 39369
eligibility of an assistance group that includes a woman at least 39370
six months pregnant. 39371

Sec. 5107.12. An assistance group seeking to participate in 39372
the Ohio works first program shall apply to a county department of 39373
job and family services using an application containing 39374
information the director of job and family services requires 39375
pursuant to rules adopted under section 5107.05 of the Revised 39376
Code and any additional information the county department 39377
requires. If cash assistance under the program is to be paid by 39378
the director of budget and management through the medium of direct 39379
deposit as provided by section 329.03 of the Revised Code, the 39380
application shall be accompanied by information the director needs 39381
to make direct deposits. 39382

When a county department receives an application for 39383
participation in Ohio works first, it shall promptly make an 39384
investigation and record of the circumstances of the applicant in 39385

order to ascertain the facts surrounding the application and to 39386
obtain such other information as may be required. Upon the 39387
completion of the investigation, the county department shall 39388
determine as soon as possible whether the applicant is eligible to 39389
participate, the amount of cash assistance the applicant should 39390
receive, and the approximate date when participation shall begin. 39391
The county department shall not delay making the determination of 39392
whether the applicant is eligible to participate on the basis that 39393
the individuals required by section 5107.14 of the Revised Code to 39394
enter into a written self-sufficiency contract with the county 39395
department have not yet done that. The amount of cash assistance 39396
so determined shall be certified to the department of job and 39397
family services in such form as the department shall prescribe. 39398
Warrants, direct deposits, or debit cards shall be delivered or 39399
made payable in the manner the department may prescribe. 39400

To the extent required by rules adopted under section 5107.05 39401
of the Revised Code, a participant of Ohio works first shall 39402
notify the county department immediately upon the receipt or 39403
possession of additional income not previously reported to the 39404
county department. Any failure to so notify a county department 39405
shall be regarded as prima-facie evidence of an intent to defraud. 39406

Sec. 5107.14. (A) An assistance group is ineligible to 39407
participate in Ohio works first unless ~~the minor head of household~~ 39408
~~or each adult member of the assistance group, not later than~~ 39409
~~thirty days after applying for or undergoing a redetermination of~~ 39410
eligibility for the program, enters the following enter into a 39411
written self-sufficiency contract with the county department of 39412
job and family services not later than thirty days after the 39413
assistance group applies for or undergoes a redetermination of 39414
eligibility for the program: 39415

(1) Each adult member of the assistance group; 39416

(2) The assistance group's minor head of household unless the 39417
minor head of household is participating in the LEAP program. The 39418

(B) A self-sufficiency contract shall set forth the rights 39419
and responsibilities of the assistance group as applicants for and 39420
participants of ~~the program, including work responsibilities~~ 39421
~~established under sections 5107.40 to 5107.69 of the Revised Code~~ 39422
~~and other requirements designed to assist the assistance group in~~ 39423
~~achieving self sufficiency and personal responsibility. The county~~ 39424
~~department shall provide without charge a copy of the contract to~~ 39425
~~each assistance group member who signs it.~~ 39426

~~Each~~ Ohio works first. Each self-sufficiency contract shall 39427
include, based on appraisals conducted under section 5107.41 of 39428
the Revised Code and assessments conducted under section 5107.70 39429
of the Revised Code, the following: 39430

~~(A)~~(1) The assistance group's plan, developed under section 39431
5107.41 of the Revised Code, to achieve the goal of self 39432
sufficiency and personal responsibility through unsubsidized 39433
employment within the time limit for participating in Ohio works 39434
first established by section 5107.18 of the Revised Code; 39435

~~(B)~~(2) Work activities, developmental activities, and 39436
alternative work activities to which members of the assistance 39437
group are assigned under sections 5107.40 to 5107.69 of the 39438
Revised Code; 39439

~~(C)~~(3) The responsibility of a caretaker member of the 39440
assistance group to cooperate in establishing a minor child's 39441
paternity and establishing, modifying, and enforcing a support 39442
order for the child in accordance with section 5107.22 of the 39443
Revised Code; 39444

~~(D)~~(4) Other responsibilities that members of the assistance 39445
group must satisfy to participate in Ohio works first and the 39446
consequences for failure or refusal to satisfy the 39447

responsibilities; 39448

~~(E)~~(5) An agreement that the assistance group will comply 39449
with the conditions of participating in Ohio works first 39450
established by this chapter and sections 5101.58, 5101.59, and 39451
5101.83 of the Revised Code; 39452

~~(F)~~(6) Assistance and services the county department will 39453
provide to the assistance group; 39454

~~(G)~~(7) Assistance and services the child support enforcement 39455
agency and public children services agency will provide to the 39456
assistance group pursuant to a plan of cooperation entered into 39457
under section 307.983 of the Revised Code; 39458

~~(H)~~(8) Other provisions designed to assist the assistance 39459
group in achieving self sufficiency and personal responsibility; 39460

~~(I)~~(9) Procedures for assessing whether responsibilities are 39461
being satisfied and whether the contract should be amended; 39462

~~(J)~~(10) Procedures for amending the contract. 39463

(C) No self-sufficiency contract shall include provisions 39464
regarding the LEAP program. 39465

(D) The county department shall provide without charge a copy 39466
of the self-sufficiency contract to each assistance group member 39467
who signs it. 39468

Sec. 5107.16. (A) If a member of an assistance group fails or 39469
refuses, without good cause, to comply in full with a provision of 39470
a self-sufficiency contract entered into under section 5107.14 of 39471
the Revised Code, a county department of job and family services 39472
shall sanction the assistance group as follows: 39473

(1) For a first failure or refusal, the county department 39474
shall deny or terminate the assistance group's eligibility to 39475
participate in Ohio works first for one payment month ~~or until the~~ 39476

~~failure or refusal ceases, whichever is longer;~~ 39477

(2) For a second failure or refusal, the county department 39478
shall deny or terminate the assistance group's eligibility to 39479
participate in Ohio works first for three payment months ~~or until~~ 39480
~~the failure or refusal ceases, whichever is longer;~~ 39481

(3) For a third or subsequent failure or refusal, the county 39482
department shall deny or terminate the assistance group's 39483
eligibility to participate in Ohio works first for six payment 39484
months ~~or until the failure or refusal ceases, whichever is~~ 39485
~~longer.~~ 39486

(B) ~~Each county department~~ The director of job and family 39487
services shall establish standards for the determination of good 39488
cause for failure or refusal to comply in full with a provision of 39489
a self-sufficiency contract in rules adopted under section 5107.05 39490
of the Revised Code. 39491

~~(1) In the case of a failure or refusal to participate in a 39492
work activity, developmental activity, or alternative work 39493
activity under sections 5107.40 to 5107.69 of the Revised Code, 39494
good cause shall include, except as provided in division (B)(2) of 39495
this section, the following:~~ 39496

~~(a) Failure of the county department to place the member in 39497
an activity;~~ 39498

~~(b) Failure of the county department to provide for the 39499
assistance group to receive support services the county department 39500
determines under section 5107.66 of the Revised Code to be 39501
necessary. In determining whether good cause exists, a county 39502
department shall determine that day care is a necessary support 39503
service if a single custodial parent caring for a minor child 39504
under age six proves a demonstrated inability, as determined by 39505
the county department, to obtain needed child care for one or more 39506
of the following reasons:~~ 39507

(i) Unavailability of appropriate child care within a reasonable distance from the parent's home or work site;	39508 39509
(ii) Unavailability or unsuitability of informal child care by a relative or under other arrangements;	39510 39511
(iii) Unavailability of appropriate and affordable formal child care arrangements.	39512 39513
(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.	39514 39515 39516 39517
(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.	39518 39519 39520 39521 39522 39523 39524 39525 39526 39527
(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 member of the assistance group who caused the sanction an opportunity to demonstrate to the county department a willingness to cease the failure or refusal to comply with the self-sufficiency contract.	39528 39529 39530 39531 39532 39533 39534
(E)(D) An adult eligible for medical assistance <u>medicaid</u> pursuant to division (A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned under division (A)(3) of this section for a failure or refusal, without good cause, to comply in full with a	39535 39536 39537 39538

provision of a self-sufficiency contract related to work 39539
responsibilities under sections 5107.40 to 5107.69 of the Revised 39540
Code loses eligibility for ~~medical assistance~~ medicaid unless the 39541
adult is otherwise eligible for ~~medical assistance~~ medicaid 39542
pursuant to another division of section 5111.01 of the Revised 39543
Code. 39544

~~(F)~~ An assistance group that would be participating in Ohio 39545
works first if not for a sanction under this section shall 39546
continue to be eligible for all of the following: 39547

(1) Publicly funded child care in accordance with division 39548
(A)(3) of section 5104.30 of the Revised Code; 39549

(2) Support services in accordance with section 5107.66 of 39550
the Revised Code; 39551

(3) To the extent permitted by the "Fair Labor Standards Act 39552
of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, as amended, to 39553
participate in work activities, developmental activities, and 39554
alternative work activities in accordance with sections 5107.40 to 39555
5107.69 of the Revised Code. 39556

Sec. 5107.17. An assistance group that resumes participation 39557
in Ohio works first following a sanction under section 5107.16 of 39558
the Revised Code is not required to do either of the following: 39559

(A) Reapply under section 5107.12 of the Revised Code, unless 39560
it is the assistance group's regularly scheduled time for an 39561
eligibility redetermination; 39562

(B) Enter into a new self-sufficiency contract under section 39563
5107.14 of the Revised Code, unless the county department of job 39564
and family services determines it is time for a new appraisal 39565
under section 5107.41 of the Revised Code or the assistance 39566
group's circumstances have changed in a manner necessitating an 39567
amendment to the self-sufficiency contract as determined using 39568

procedures included in the contract under division ~~(I)~~(B)(9) of 39569
section 5107.14 of the Revised Code. 39570

Sec. 5107.281. A participant of Ohio works first who is 39571
enrolled in a school district in a county that is participating in 39572
the learnfare program and is not younger than age six but not 39573
older than age nineteen shall participate in the learnfare program 39574
unless one of the following is the case: 39575

(A) The participant is not yet eligible for enrollment in 39576
first grade; 39577

(B) The participant is subject to the LEAP program ~~under~~ 39578
~~section 5107.30 of the Revised Code;~~ 39579

(C) The participant has received one of the following: 39580

(1) A high school diploma; 39581

(2) A certificate stating that the participant has achieved 39582
the equivalent of a high school education as measured by scores 39583
obtained on the tests of general educational development as 39584
published by the American council on education. 39585

(D) The participant has been excused from school attendance 39586
pursuant to section 3321.04 of the Revised Code; 39587

(E) If child care services for a member of the participant's 39588
household are necessary for the participant to attend school, 39589
child care licensed or certified under Chapter 5104. of the 39590
Revised Code or under sections 3301.52 to 3301.59 of the Revised 39591
Code and transportation to and from the child care are not 39592
available; 39593

(F) The participant has been adjudicated a delinquent or 39594
unruly child pursuant to section 2151.28 of the Revised Code. 39595

Sec. 5107.30. (A) As used in this section: 39596

(1) "Equivalent of a high school diploma" and "good cause" 39597
have the meanings established in rules adopted under section 39598
5107.05 of the Revised Code. 39599

(2) ~~"LEAP program" means the learning, earning, and parenting 39600
program.~~ 39601

~~(3)~~ "Participating teen" means an individual to whom all of 39602
the following apply: 39603

(a) The individual is a participant of Ohio works first; 39604

(b) The individual is under age eighteen or is age eighteen 39605
and in school and is a natural or adoptive parent or is pregnant; 39606

(c) The individual is subject to the LEAP program's 39607
requirements. 39608

~~(4)~~(3) "School" means an educational program that is designed 39609
to lead to the attainment of a high school diploma or the 39610
equivalent of a high school diploma. 39611

(B) The director of job and family services may conduct a 39612
program titled the "LEAP program" in accordance with rules adopted 39613
under section 5107.05 of the Revised Code. The purpose of the LEAP 39614
program is to encourage teens to complete school. 39615

Every participating teen shall attend school in accordance 39616
with the requirements governing the LEAP program unless the 39617
participating teen shows good cause for not attending school. The 39618
department shall provide, in addition to the cash assistance 39619
payment provided under Ohio works first, an incentive payment, in 39620
an amount determined by the department, to every participating 39621
teen who attends school in accordance with the requirements 39622
governing the LEAP program. In addition to the incentive payment, 39623
the department may provide other incentives to participating teens 39624
who attend school in accordance with the LEAP program's 39625
requirements. The department shall reduce the cash assistance 39626

payment, in an amount determined by the department, under Ohio 39627
works first to every participating teen who fails or refuses, 39628
without good cause, to meet the LEAP program's requirements. 39629

Every participating teen shall enter into a written agreement 39630
with the county department of job and family services that 39631
specifies all of the following: 39632

(1) The participating teen, to be eligible to receive the 39633
incentive payment and other incentives, if any, under this 39634
section, must meet the requirements of the LEAP program. 39635

(2) The incentive payment and other incentives, if any, will 39636
be provided if the participating teen meets the requirements of 39637
the LEAP program. 39638

(3) The participating teen's cash assistance payment under 39639
Ohio works first will be reduced if the participating teen fails 39640
or refuses without good cause to attend school in accordance with 39641
the requirements governing the LEAP program. 39642

(C) A minor head of ~~household who is participating~~ 39643
household's participation in the LEAP program shall be ~~considered~~ 39644
~~to be participating in a work activity for the purpose of sections~~ 39645
~~5107.40 to 5107.69~~ counted in determining whether a county 39646
department of job and family services meets the requirement of 39647
section 5107.44 of the Revised Code. ~~However, the minor head of~~ 39648
~~household is not subject to the requirements or sanctions of those~~ 39649
~~sections.~~ 39650

(D) Subject to the availability of funds, county departments 39651
of job and family services shall provide for participating teens 39652
to receive support services the county department determines to be 39653
necessary for LEAP participation. Support services may include 39654
publicly funded child care under Chapter 5104. of the Revised 39655
Code, transportation, and other services. 39656

Sec. 5107.36. An individual is ~~not eligible to participate in~~ 39657
ineligible for assistance under Ohio works first if either of the 39658
following apply: 39659

(A) The individual is a fugitive felon as defined in section 39660
5101.20 of the Revised Code; 39661

(B) The individual is violating a condition of probation, a 39662
community control sanction, parole, or a post-release control 39663
sanction imposed under federal or state law. 39664

Sec. 5107.41. As soon as possible after an assistance group 39665
submits an application to participate in Ohio works first, the 39666
county department of job and family services that receives the 39667
application shall schedule and conduct an appraisal of each member 39668
of the assistance group who is a minor head of household or adult, 39669
other than a minor head of household participating in the LEAP 39670
program. The appraisal may include an evaluation of the 39671
employment, educational, physiological, and psychological 39672
abilities or liabilities, or both, of the minor head of household 39673
or adult. At the appraisal, the county department shall develop 39674
with the minor head of household or adult a plan for the 39675
assistance group to achieve the goal of self sufficiency and 39676
personal responsibility through unsubsidized employment within the 39677
time limit for participating in the Ohio works first program 39678
established by section 5107.18 of the Revised Code. The plan shall 39679
include assignments to one or more work activities, developmental 39680
activities, or alternative work activities in accordance with 39681
section 5107.42 of the Revised Code. The county department shall 39682
include the plan in the self-sufficiency contract entered into 39683
under section 5107.14 of the Revised Code. 39684

The county department shall conduct more appraisals of the 39685
minor head of household or adult at times the county department 39686

determines. 39687

If the minor head of household or adult claims to have a 39688
medically determinable physiological or psychological impairment, 39689
illness, or disability, the county department may require that the 39690
minor head of household or adult undergo an independent medical or 39691
psychological examination at a time and place reasonably 39692
convenient to the minor head of household or adult. 39693

Sec. 5107.42. (A) Except as provided in divisions (B) and (C) 39694
of this section, county departments of job and family services 39695
shall assign each minor head of household and adult participating 39696
in Ohio works first, other than a minor head of household 39697
participating in the LEAP program, to one or more work activities 39698
and developmental activities. 39699

If a county department assigns a minor head of household or 39700
adult to the work activity established under division (H) of 39701
section 5107.60 of the Revised Code, the county department shall 39702
make reasonable efforts to assign the minor head of household or 39703
adult to at least one other work activity at the same time. If a 39704
county department assigns a minor head of household or adult to 39705
the work activity established under section 5107.58 of the Revised 39706
Code, the county department shall assign the minor head of 39707
household or adult to at least one other work activity at the same 39708
time. 39709

A county department may not assign a minor head of household 39710
or adult to a work activity established under division (D) of 39711
section 5107.60 of the Revised Code for more than twelve months. 39712

(B) If a county department determines that a minor head of 39713
household or adult has a temporary or permanent barrier to 39714
participation in a work activity, it may assign the minor head of 39715
household or adult to one or more alternative work activities 39716
instead of assigning the minor head of household or adult to one 39717

or more work activities or developmental activities. A county 39718
department may not assign more than twenty per cent of minor heads 39719
of household and adults participating in Ohio works first to an 39720
alternative work activity. 39721

County departments shall establish standards for determining 39722
whether a minor head of household or adult has a temporary or 39723
permanent barrier to participating in a work activity. The 39724
following are examples of circumstances that a county department 39725
may consider when it develops its standards: 39726

(1) A minor head of household or adult provides the county 39727
department documented evidence that one or more members of the 39728
assistance group have been the victim of domestic violence and are 39729
in imminent danger of suffering continued domestic violence; 39730

(2) A minor head of household or adult is actively 39731
participating in an alcohol or drug addiction program certified by 39732
the department of alcohol and drug addiction services under 39733
section 3793.06 of the Revised Code; 39734

(3) An assistance group is homeless. 39735

(C) A county department may exempt a minor head of household 39736
or adult who is unmarried and caring for a minor child under 39737
twelve months of age from the work requirements of sections 39738
5107.40 to 5107.69 of the Revised Code for not more than twelve 39739
months. While exempt, the minor head of household or adult shall 39740
be disregarded in determining whether the county department is 39741
meeting the requirement of section 5107.44 of the Revised Code. 39742
The county department shall assign the exempt minor head of 39743
household or adult to at least one developmental activity for a 39744
number of hours a week the county department determines. The 39745
county department may assign the exempt minor head of household or 39746
adult to one or more work activities, in addition to developmental 39747
activities, for a number of hours the county department 39748

determines. Division (B) of section 5107.43 of the Revised Code 39749
does not apply to the exempt minor head of household or adult. 39750

(D) A county department may reassign a minor head of 39751
household or adult when the county department determines 39752
reassignment will aid the assistance group in achieving self 39753
sufficiency and personal responsibility and shall make 39754
reassignments when circumstances requiring reassignment occur, 39755
including when a temporary barrier to participating in a work 39756
activity is eliminated. 39757

A county department shall include assignments in the 39758
self-sufficiency contract entered into under section 5107.14 of 39759
the Revised Code and shall amend the contract when a reassignment 39760
is made to include the reassignment in the contract. 39761

Sec. 5111.01. As used in this chapter, "medical assistance 39762
program" or "medicaid" means the program that is authorized by 39763
this chapter and provided by the department of job and family 39764
services under this chapter, Title XIX of the "Social Security 39765
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 39766
waivers of Title XIX requirements granted to the department by the 39767
~~health care financing administration~~ centers for medicare and 39768
medicaid services of the United States department of health and 39769
human services. 39770

The department of job and family services shall act as the 39771
single state agency to supervise the administration of the 39772
medicaid program. As the single state agency, the department shall 39773
comply with 42 C.F.R. 431.10(e). The department's rules governing 39774
medicaid are binding on other agencies that administer components 39775
of the medicaid program. No agency may establish, by rule or 39776
otherwise, a policy governing medicaid that is inconsistent with a 39777
medicaid policy established, in rule or otherwise, by the director 39778
of job and family services. 39779

(A) ~~The~~ Subject to an executive order issued under section 5111.0120 of the Revised Code, the department of job and family services may provide medical assistance under the medicaid program as long as federal funds are provided for such assistance, to the following:

(1) Families with children that meet either of the following conditions:

(a) The family meets the income, resource, and family composition requirements in effect on July 16, 1996, for the former aid to dependent children program as those requirements were established by Chapter 5107. of the Revised Code, federal waivers granted pursuant to requests made under former section 5101.09 of the Revised Code, and rules adopted by the department or any changes the department makes to those requirements in accordance with paragraph (a)(2) of section 114 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of implementing section 5111.019 of the Revised Code. An adult loses eligibility for ~~medical assistance~~ medicaid under division (A)(1)(a) of this section pursuant to division ~~(E)~~(D) of section 5107.16 of the Revised Code.

(b) The family does not meet the requirements specified in division (A)(1)(a) of this section but is eligible for ~~medical assistance~~ medicaid pursuant to section 5101.18 of the Revised Code.

(2) Aged, blind, and disabled persons who meet the following conditions:

(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 39811
established shall be adjusted annually at the rate that is used by 39812
the United States department of health and human services to 39813
adjust the amounts payable under Title XVI. 39814

(b) Do not receive aid under Title XVI, but meet any of the 39815
following criteria: 39816

(i) Would be eligible to receive such aid, except that their 39817
income, other than that excluded from consideration as income 39818
under Title XVI, exceeds the maximum under division (A)(2)(a) of 39819
this section, and incurred expenses for medical care, as 39820
determined under federal regulations applicable to section 209(b) 39821
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 39822
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 39823
their income exceeds the maximum under division (A)(2)(a) of this 39824
section; 39825

(ii) Received aid for the aged, aid to the blind, or aid for 39826
the permanently and totally disabled prior to January 1, 1974, and 39827
continue to meet all the same eligibility requirements; 39828

(iii) Are eligible for ~~medical assistance~~ medicaid pursuant 39829
to section 5101.18 of the Revised Code. 39830

(3) Persons to whom federal law requires, as a condition of 39831
state participation in the medicaid program, that ~~medical~~ 39832
~~assistance~~ medicaid be provided; 39833

(4) Persons under age twenty-one who meet the income 39834
requirements for the Ohio works first program established under 39835
Chapter 5107. of the Revised Code but do not meet other 39836
eligibility requirements for the program. The director shall adopt 39837
rules in accordance with Chapter 119. of the Revised Code 39838
specifying which Ohio works first requirements shall be waived for 39839
the purpose of providing medicaid eligibility under division 39840
(A)(4) of this section. 39841

(B) If sufficient funds are appropriated for ~~such purpose by~~ 39842
~~the general assembly the medicaid program~~, the department may 39843
provide medical assistance under the medicaid program to persons 39844
in groups designated by federal law as groups to which a state, at 39845
its option, may provide medical assistance under the medicaid 39846
program. 39847

(C) ~~The~~ Subject to an executive order issued under section 39848
5111.0120 of the Revised Code, the department may expand 39849
eligibility for ~~medical assistance~~ the medicaid program to include 39850
individuals under age nineteen with family incomes at or below one 39851
hundred fifty per cent of the federal poverty guidelines, except 39852
that the eligibility expansion shall not occur unless the 39853
department receives the approval of the federal government. The 39854
department may implement the eligibility expansion authorized 39855
under this division on any date selected by the department, but 39856
not sooner than January 1, 1998. 39857

(D) In addition to any other authority or requirement to 39858
adopt rules under this chapter, the director may adopt rules in 39859
accordance with section 111.15 of the Revised Code as the director 39860
considers necessary to establish standards, procedures, and other 39861
requirements regarding the provision of medical assistance under 39862
the medicaid program. The rules may establish requirements to be 39863
followed in applying for ~~medical assistance~~ medicaid, making 39864
determinations of eligibility for ~~medical assistance~~ medicaid, and 39865
verifying eligibility for ~~medical assistance~~ medicaid. The rules 39866
may include special conditions as the department determines 39867
appropriate for making applications, determining eligibility, and 39868
verifying eligibility for any medical assistance that the 39869
department may provide under the medicaid program pursuant to 39870
division (C) of this section and section 5111.014 or 5111.019 of 39871
the Revised Code. 39872

Sec. 5111.011. (A) The director of job and family services 39873
shall adopt rules establishing eligibility requirements for the 39874
medicaid program. The rules shall be adopted pursuant to section 39875
111.15 of the Revised Code and shall be consistent with federal 39876
and state law and any executive order issued under section 39877
5111.0120 of the Revised Code. The rules shall include rules that 39878
do all of the following: 39879

(1) Establish standards consistent with federal law for 39880
allocating income and resources as income and resources of the 39881
spouse, children, parents, or stepparents of a recipient of or 39882
applicant for medicaid; 39883

(2) Define the term "resources" as used in division (A)(1) of 39884
this section; 39885

(3) Specify the number of months that is to be used for the 39886
purpose of the term "look-back date" used in section 5111.0116 of 39887
the Revised Code; 39888

(4) Establish processes to be used to determine both of the 39889
following: 39890

(a) The date an institutionalized individual's ineligibility 39891
for services under section 5111.0116 of the Revised Code is to 39892
begin; 39893

(b) The number of months an institutionalized individual's 39894
ineligibility for such services is to continue. 39895

(5) Establish exceptions to the period of ineligibility that 39896
an institutionalized individual would otherwise be subject to 39897
under section 5111.0116 of the Revised Code; 39898

(6) Define the term "other medicaid-funded long-term care 39899
services" as used in sections 5111.0117 and 5111.0118 of the 39900
Revised Code; 39901

(7) For the purpose of division (C)(2)(c) of section 39902

5111.0117 of the Revised Code, establish the process to determine 39903
whether the child of an aged, blind, or disabled individual is 39904
financially dependent on the individual for housing. 39905

(B) Notwithstanding any provision of state law, including 39906
statutes, administrative rules, common law, and court rules, 39907
regarding real or personal property or domestic relations, the 39908
standards established under rules adopted under division (A)(1) of 39909
this section shall be used to determine eligibility for medicaid. 39910

Sec. 5111.014. (A) The director of job and family services 39911
shall submit to the United States secretary of health and human 39912
services an amendment to the state medicaid plan to make an 39913
individual who meets all of the following requirements eligible 39914
for medicaid: 39915

(1) The individual is pregnant; 39916

(2) ~~The~~ Subject to an executive order issued under section 39917
5111.0120 of the Revised Code, the individual's family income does 39918
not exceed ~~one~~ two hundred ~~fifty~~ per cent of the federal poverty 39919
guidelines; 39920

(3) The individual satisfies all relevant requirements 39921
established by rules adopted under division (D) of section 5111.01 39922
of the Revised Code. 39923

(B) If approved by the United States secretary of health and 39924
human services, the director of job and family services shall 39925
implement the medicaid plan amendment submitted under division (A) 39926
of this section as soon as possible after receipt of notice of the 39927
approval, but not sooner than January 1, ~~2000~~ 2008. 39928

Sec. 5111.016. (A) As used in this section, "healthcheck" has 39929
the same meaning as in section 3313.714 of the Revised Code. 39930

(B) ~~In accordance with federal law and regulations, the~~ The 39931

department of job and family services shall ~~establish~~ adopt rules 39932
in accordance with Chapter 119. of the Revised Code establishing a 39933
combination of written and oral methods designed to provide 39934
information about healthcheck to all persons eligible for the 39935
program or their parents or guardians. The department shall ensure 39936
that its methods of providing information are effective. The 39937
methods shall comply with federal law and regulations. 39938

Each county department of job and family services or other 39939
entity that distributes or accepts applications for medical 39940
assistance shall prominently display ~~in a conspicuous place the~~ 39941
~~following notice:~~ 39942

~~"Under state and federal law, if you are a Medicaid~~ 39943
~~recipient, your child is entitled to a thorough medical~~ 39944
~~examination provided through Healthcheck. Once this examination is~~ 39945
~~completed, your child is entitled to receive, at no cost to you,~~ 39946
~~any service determined to be medically necessary." that complies~~ 39947
with the rules adopted under this division. 39948

Sec. 5111.019. ~~(A)~~ The director of job and family services 39949
shall submit to the United States secretary of health and human 39950
services an amendment to the state medicaid plan to make an 39951
individual eligible for medicaid who meets all of the following 39952
requirements ~~eligible for medicaid for the amount of time provided~~ 39953
~~by division (B) of this section:~~ 39954

~~(1)(A)~~ The individual is the parent of a child under nineteen 39955
years of age and resides with the child; 39956

~~(2) The~~ (B) Subject to an executive order issued under 39957
section 5111.0120 of the Revised Code, the individual's family 39958
income does not exceed ninety per cent of the federal poverty 39959
guidelines; 39960

~~(3)(C)~~ The individual is not otherwise eligible for medicaid; 39961

~~(4)(D)~~ The individual satisfies all relevant requirements 39962
established by rules adopted under division (D) of section 5111.01 39963
of the Revised Code. 39964

~~(B) An individual is eligible to receive medicaid under this 39965
section for a period that does not exceed two years beginning on 39966
the date on which eligibility is established. 39967~~

Sec. 5111.0111. (A) The director of job and family services 39968
~~may~~ shall submit to the United States secretary of health and 39969
human services an amendment to the state medicaid plan to 39970
implement 42 U.S.C. 1396a (a)(10)(A)(ii)(XVII) to make an 39971
individual ~~receiving~~ who meets all of the following requirements 39972
eligible for medicaid: 39973

(1) The individual is under twenty-one years of age; 39974

(2) The individual was in foster care under the 39975
responsibility of the state on the individual's eighteenth 39976
birthday; 39977

(3) Foster care maintenance payments or independent living 39978
services pursuant to sections 2151.81 to 2151.84 of the Revised 39979
Code eligible for medicaid were furnished under a program funded 39980
under Title IV-E of the Social Security Act of 1935 on the 39981
individual's behalf before the individual attained eighteen years 39982
of age; 39983

(4) The individual meets all other applicable eligibility 39984
requirements established in rules adopted under section 5111.011 39985
of the Revised Code. ~~If~~ 39986

(B) If approved by the United States secretary of health and 39987
human services, the director of job and family services shall 39988
implement the medicaid plan amendment submitted under this section 39989
beginning January 1, 2008. 39990

Sec. 5111.0112. (A) ~~Not later than July 1, 2006, the~~ The 39991
director of job and family services shall institute a ~~copayment~~ 39992
cost-sharing program under the medicaid program. ~~To the extent~~ 39993
~~permitted by federal law, the copayment~~ In instituting the 39994
cost-sharing program, the director shall comply with federal law. 39995
The cost-sharing program shall establish a copayment requirement 39996
for ~~only~~ at least dental services, vision services, nonemergency 39997
emergency department services, and prescription drugs, other than 39998
generic drugs. The cost-sharing program shall establish 39999
requirements regarding premiums, enrollment fees, deductions, and 40000
similar charges. The director shall adopt rules under section 40001
5111.02 of the Revised Code governing the copayment program. 40002

(B) The ~~copayment~~ cost-sharing program shall, to the extent 40003
permitted by federal law, provide for all of the following with 40004
regard to any providers participating in the medicaid program: 40005

(1) No provider shall refuse to provide a service to a 40006
medicaid recipient who is unable to pay a required copayment for 40007
the service. 40008

(2) Division (B)(1) of this section shall not be considered 40009
to do either of the following with regard to a medicaid recipient 40010
who is unable to pay a required copayment: 40011

(a) Relieve the medicaid recipient from the obligation to pay 40012
a copayment; 40013

(b) Prohibit the provider from attempting to collect an 40014
unpaid copayment. 40015

(3) Except as provided in division (C) of this section, no 40016
provider shall waive a medicaid recipient's obligation to pay the 40017
provider a copayment. 40018

(4) No provider or drug manufacturer, including the 40019
manufacturer's representative, employee, independent contractor, 40020

or agent, shall pay any copayment on behalf of a medicaid 40021
recipient. 40022

(5) If it is the routine business practice of the provider to 40023
refuse service to any individual who owes an outstanding debt to 40024
the provider, the provider may consider an unpaid copayment 40025
imposed by the ~~copayment~~ cost-sharing program as an outstanding 40026
debt and may refuse service to a medicaid recipient who owes the 40027
provider an outstanding debt. If the provider intends to refuse 40028
service to a medicaid recipient who owes the provider an 40029
outstanding debt, the provider shall notify the individual of the 40030
provider's intent to refuse services. 40031

(C) In the case of a provider that is a hospital, the 40032
~~copayment~~ cost-sharing program shall permit the hospital to take 40033
action to collect a copayment by providing, at the time services 40034
are rendered to a medicaid recipient, notice that a copayment may 40035
be owed. If the hospital provides the notice and chooses not to 40036
take any further action to pursue collection of the copayment, the 40037
prohibition against waiving copayments specified in division 40038
(B)(3) of this section does not apply. 40039

(D) The department of job and family services may work with a 40040
state agency that is administering, pursuant to a contract entered 40041
into under section 5111.91 of the Revised Code, one or more 40042
components of the medicaid program or one or more aspects of a 40043
component as necessary for the state agency to apply the 40044
cost-sharing program to the components or aspects of the medicaid 40045
program that the state agency administers. 40046

Sec. 5111.0120. The governor may issue an executive order 40047
lowering, but not increasing, the income eligibility limit for one 40048
or more components of the medicaid program. The governor may not 40049
lower the income eligibility limit for a component below an amount 40050
permitted by federal law. If the governor issues such an executive 40051

order for a medicaid component, the income eligibility for the 40052
component may not be restored to its previous level except by act 40053
of the general assembly. 40054

Sec. 5111.023. (A) As used in this section: 40055

(1) "Community mental health facility" means a community 40056
mental health facility that has a quality assurance program 40057
accredited by the joint commission on accreditation of healthcare 40058
organizations or is certified by the department of mental health 40059
or department of job and family services. 40060

(2) "Mental health professional" means a person qualified to 40061
work with mentally ill persons under the standards established by 40062
the director of mental health pursuant to section 5119.611 of the 40063
Revised Code. 40064

(B) The state medicaid plan shall include provision of the 40065
following mental health services when provided by community mental 40066
health facilities: 40067

(1) Outpatient mental health services, including, but not 40068
limited to, preventive, diagnostic, therapeutic, rehabilitative, 40069
and palliative interventions rendered to individuals in an 40070
individual or group setting by a mental health professional in 40071
accordance with a plan of treatment appropriately established, 40072
monitored, and reviewed; 40073

(2) Partial-hospitalization mental health services ~~of three~~ 40074
~~to fourteen hours per service day,~~ rendered by persons directly 40075
supervised by a mental health professional; 40076

(3) Unscheduled, emergency mental health services of a kind 40077
ordinarily provided to persons in crisis when rendered by persons 40078
supervised by a mental health professional; 40079

(4) Subject to receipt of federal approval, assertive 40080
community treatment and intensive home-based mental health 40081

services. 40082

(C) The comprehensive annual plan shall certify the 40083
availability of sufficient unencumbered community mental health 40084
state subsidy and local funds to match federal medicaid 40085
reimbursement funds earned by community mental health facilities. 40086

(D) The department of job and family services shall enter 40087
into a separate contract with the department of mental health 40088
under section 5111.91 of the Revised Code with regard to the 40089
component of the medicaid program provided for by this section. 40090

(E) Not later than July 21, 2006, the department of job and 40091
family services shall request federal approval to provide 40092
assertive community treatment and intensive home-based mental 40093
health services under medicaid pursuant to this section. 40094

(F) On receipt of federal approval sought under division (E) 40095
of this section, the director of job and family services shall 40096
adopt rules in accordance with Chapter 119. of the Revised Code 40097
for assertive community treatment and intensive home-based mental 40098
health services provided under medicaid pursuant to this section. 40099
The director shall consult with the department of mental health in 40100
adopting the rules. 40101

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised 40102
Code, the director of job and family services shall adopt rules 40103
establishing the use of time-limited provider agreements under the 40104
medicaid program. Under the rules, each provider agreement shall 40105
expire three years from the effective date of the agreement. 40106

(B) The rules for use of time-limited provider agreements 40107
shall include a process for re-enrollment of providers. All of the 40108
following apply to the re-enrollment process: 40109

(1) The department may terminate a time-limited provider 40110
agreement or deny re-enrollment when a provider fails to file an 40111

application for re-enrollment within the time and in the manner 40112
required under the re-enrollment process. 40113

(2) If a provider files an application for re-enrollment 40114
within the time and in the manner required under the re-enrollment 40115
process, but the provider agreement expires before the department 40116
acts on the application or before the effective date of the 40117
department's decision on the application, the provider may 40118
continue operating under the terms of the expired provider 40119
agreement until the effective date of the department's decision. 40120

(3) A decision by the department to approve an application 40121
for re-enrollment becomes effective on the date of the 40122
department's decision. A decision by the department to deny 40123
re-enrollment shall take effect not sooner than thirty days after 40124
the date the department mails written notice of the decision to 40125
the provider. The department shall specify in the notice the date 40126
on which the provider is required to cease operating under the 40127
provider agreement. 40128

(C) Pursuant to section 5111.06 of the Revised Code, the 40129
department is not required to take the actions specified in 40130
division (B)(1) of this section by issuing an order pursuant to an 40131
adjudication conducted in accordance with Chapter 119. of the 40132
Revised Code. 40133

Sec. 5111.029. The medicaid program shall cover occupational 40134
therapy services provided by an occupational therapist licensed 40135
under section 4755.08 of the Revised Code. Coverage shall not be 40136
limited to services provided in a hospital or nursing facility. 40137
Any licensed occupational therapist may enter into a medicaid 40138
provider agreement with the department of job and family services 40139
to provide occupational therapy services under the medicaid 40140
program. 40141

Sec. 5111.03. (A) No provider of services or goods 40142
contracting with the department of job and family services 40143
pursuant to the medicaid program shall, by deception, obtain or 40144
attempt to obtain payments under this chapter to which the 40145
provider is not entitled pursuant to the provider agreement, or 40146
the rules of the federal government or the department of job and 40147
family services relating to the program. No provider shall 40148
willfully receive payments to which the provider is not entitled, 40149
or willfully receive payments in a greater amount than that to 40150
which the provider is entitled; nor shall any provider falsify any 40151
report or document required by state or federal law, rule, or 40152
provider agreement relating to medicaid payments. As used in this 40153
section, a provider engages in "deception" when the provider, 40154
acting with actual knowledge of the representation or information 40155
involved, acting in deliberate ignorance of the truth or falsity 40156
of the representation or information involved, or acting in 40157
reckless disregard of the truth or falsity of the representation 40158
or information involved, deceives another or causes another to be 40159
deceived by any false or misleading representation, by withholding 40160
information, by preventing another from acquiring information, or 40161
by any other conduct, act, or omission that creates, confirms, or 40162
perpetuates a false impression in another, including a false 40163
impression as to law, value, state of mind, or other objective or 40164
subjective fact. No proof of specific intent to defraud is 40165
required to show, for purposes of this section, that a provider 40166
has engaged in deception. 40167

(B) Any provider who violates division (A) of this section 40168
shall be liable, in addition to any other penalties provided by 40169
law, for all of the following civil penalties: 40170

(1) Payment of interest on the amount of the excess payments 40171
at the maximum interest rate allowable for real estate mortgages 40172
under section 1343.01 of the Revised Code on the date the payment 40173

was made to the provider for the period from the date upon which 40174
payment was made, to the date upon which repayment is made to the 40175
state; 40176

(2) Payment of an amount equal to three times the amount of 40177
any excess payments; 40178

(3) Payment of a sum of not less than five thousand dollars 40179
and not more than ten thousand dollars for each deceptive claim or 40180
falsification; 40181

(4) All reasonable expenses which the court determines have 40182
been necessarily incurred by the state in the enforcement of this 40183
section. 40184

(C) As used in this division, "intermediate care facility for 40185
the mentally retarded" and "nursing facility" have the same 40186
meanings given in section 5111.20 of the Revised Code. 40187

In addition to the civil penalties provided in division (B) 40188
of this section, the director of job and family services, upon the 40189
conviction of, or the entry of a judgment in either a criminal or 40190
civil action against, a medicaid provider or its owner, officer, 40191
authorized agent, associate, manager, or employee in an action 40192
brought pursuant to section 109.85 of the Revised Code, shall 40193
terminate the provider agreement between the department and the 40194
provider and stop reimbursement to the provider for services 40195
rendered ~~for a period of up to five years~~ from the date of 40196
conviction or entry of judgment. As used in this ~~chapter~~ division, 40197
"owner" means any person having at least five per cent ownership 40198
in the medicaid provider. No such provider, owner, officer, 40199
authorized agent, associate, manager, or employee shall own or 40200
provide services to any other medicaid provider or risk contractor 40201
or arrange for, render, or order services for medicaid recipients 40202
~~during the period of termination as provided in division (C) of~~ 40203
~~this section, nor, during the period of termination as provided in~~ 40204

~~division (C) of this section,~~ shall such provider, owner, officer, 40205
authorized agent, associate, manager, or employee receive 40206
reimbursement in the form of direct payments from the department 40207
or indirect payments of medicaid funds in the form of salary, 40208
shared fees, contracts, kickbacks, or rebates from or through any 40209
participating provider or risk contractor. The provider agreement 40210
shall not be terminated or reimbursement terminated if the 40211
provider or owner can demonstrate that the provider or owner did 40212
not directly or indirectly sanction the action of its authorized 40213
agent, associate, manager, or employee that resulted in the 40214
conviction or entry of a judgment in a criminal or civil action 40215
brought pursuant to section 109.85 of the Revised Code. Nothing in 40216
this division prohibits any owner, officer, authorized agent, 40217
associate, manager, or employee of a medicaid provider from 40218
entering into a medicaid provider agreement if the person can 40219
demonstrate that the person had no knowledge of an action of the 40220
medicaid provider the person was formerly associated with that 40221
resulted in the conviction or entry of a judgment in a criminal or 40222
civil action brought pursuant to section 109.85 of the Revised 40223
Code. 40224

Nursing facility or intermediate care facility for the 40225
mentally retarded providers whose agreements are terminated 40226
pursuant to this section may continue to receive reimbursement for 40227
up to thirty days after the effective date of the termination if 40228
the provider makes reasonable efforts to transfer recipients to 40229
another facility or to alternate care and if federal funds are 40230
provided for such reimbursement. 40231

(D) For any reason permitted or required by federal law, the 40232
director of job and family services may deny a provider agreement 40233
or terminate a provider agreement. 40234

For any reason permitted or required by federal law, the 40235
director may exclude an individual, provider of services or goods, 40236

or other entity from participation in the medicaid program. No 40237
individual, provider, or entity excluded under this division shall 40238
own or provide services to any other medicaid provider or risk 40239
contractor or arrange for, render, or order services for medicaid 40240
recipients during the period of exclusion, nor, during the period 40241
of exclusion, shall such individual, provider, or entity receive 40242
reimbursement in the form of direct payments from the department 40243
or indirect payments of medicaid funds in the form of salary, 40244
shared fees, contracts, kickbacks, or rebates from or through any 40245
participating provider or risk contractor. An excluded individual, 40246
provider, or entity may request a reconsideration of the 40247
exclusion. The director shall adopt rules in accordance with 40248
Chapter 119. of the Revised Code governing the process for 40249
requesting a reconsideration. 40250

Nothing in this division limits the applicability of section 40251
5111.06 of the Revised Code to a medicaid provider. 40252

(E) Any provider of services or goods contracting with the 40253
department of job and family services pursuant to Title XIX of the 40254
"Social Security Act," who, without intent, obtains payments under 40255
this chapter in excess of the amount to which the provider is 40256
entitled, thereby becomes liable for payment of interest on the 40257
amount of the excess payments at the maximum real estate mortgage 40258
rate on the date the payment was made to the provider for the 40259
period from the date upon which payment was made to the date upon 40260
which repayment is made to the state. 40261

~~(E)~~(F) The attorney general on behalf of the state may 40262
commence proceedings to enforce this section in any court of 40263
competent jurisdiction; and the attorney general may settle or 40264
compromise any case brought under this section with the approval 40265
of the department of job and family services. Notwithstanding any 40266
other provision of law providing a shorter period of limitations, 40267
the attorney general may commence a proceeding to enforce this 40268

section at any time within six years after the conduct in 40269
violation of this section terminates. 40270

~~(F)~~(G) The authority, under state and federal law, of the 40271
department of job and family services or a county department of 40272
job and family services to recover excess payments made to a 40273
provider is not limited by the availability of remedies under 40274
sections 5111.11 and 5111.12 of the Revised Code for recovering 40275
benefits paid on behalf of recipients of medical assistance. 40276

The penalties under this chapter apply to any overpayment, 40277
billing, or falsification occurring on and after April 24, 1978. 40278
All moneys collected by the state pursuant to this section shall 40279
be deposited in the state treasury to the credit of the general 40280
revenue fund. 40281

Sec. 5111.031. (A) As used in this section: 40282

(1) "Independent provider" has the same meaning as in section 40283
5111.034 of the Revised Code. 40284

(2) "Intermediate care facility for the mentally retarded" 40285
and "nursing facility" have the same meanings as in section 40286
5111.20 of the Revised Code. 40287

(3) "Noninstitutional medicaid provider" means any person or 40288
entity with a medicaid provider agreement other than a hospital, 40289
nursing facility, or intermediate care facility for the mentally 40290
retarded. 40291

(4) "Owner" means any person having at least five per cent 40292
ownership in a noninstitutional medicaid provider. 40293

(B) Notwithstanding any provision of this chapter to the 40294
contrary, the department of job and family services shall take 40295
action under this section against a noninstitutional medicaid 40296
provider or its owner, officer, authorized agent, associate, 40297
manager, or employee. 40298

(C) Except as provided in division (D) of this section and in rules adopted by the department under division (H) of this section, on receiving notice and a copy of an indictment that is issued on or after the effective date of this section and charges a noninstitutional medicaid provider or its owner, officer, authorized agent, associate, manager, or employee with committing an offense specified in division (E) of this section, the department shall suspend the provider agreement held by the noninstitutional medicaid provider. Subject to division (D) of this section, the department shall also terminate medicaid reimbursement to the provider for services rendered.

The suspension shall continue in effect until the proceedings in the criminal case are completed through conviction, dismissal of the indictment, plea, or finding of not guilty. If the department commences a process to terminate the suspended provider agreement, the suspension shall continue in effect until the termination process is concluded. Pursuant to section 5111.06 of the Revised Code, the department is not required to take action under this division by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.

When subject to a suspension under this division, a provider, owner, officer, authorized agent, associate, manager, or employee shall not 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 suspension. During the period of suspension, the provider, owner, officer, authorized agent, associate, manager, or employee shall not 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.

(D)(1) The department shall not suspend a provider agreement or terminate medicaid reimbursement under division (C) of this section if the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the indictment. 40331
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(2) The termination of medicaid reimbursement applies only to payments for medicaid services rendered subsequent to the date on which the notice required under division (F) of this section is sent. Claims for reimbursement for medicaid services rendered by the provider prior to the issuance of the notice may be subject to prepayment review procedures whereby the department reviews claims to determine whether they are supported by sufficient documentation, are in compliance with state and federal statutes and rules, and are otherwise complete. 40337
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(E)(1) In the case of a noninstitutional medicaid provider that is not an independent provider, the suspension of a provider agreement under division (C) of this section applies when an indictment charges a person with committing an act that would be a felony or misdemeanor under the laws of this state and the act relates to or results from either of the following: 40346
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(a) Furnishing or billing for medical care, services, or supplies under the medicaid program; 40352
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(b) Participating in the performance of management or administrative services relating to furnishing medical care, services, or supplies under the medicaid program. 40354
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(2) In the case of a noninstitutional medicaid provider that is an independent provider, the suspension of a provider agreement under division (C) of this section applies when an indictment charges a person with committing an act that would constitute one of the offenses specified in division (D) of section 5111.034 of 40357
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the Revised Code. 40362

(F) Not later than five days after suspending a provider 40363
agreement under division (C) of this section, the department shall 40364
send notice of the suspension to the affected provider or owner. 40365
In providing the notice, the department shall do all of the 40366
following: 40367

(1) Describe the indictment that was the cause of the 40368
suspension, without necessarily disclosing specific information 40369
concerning any ongoing civil or criminal investigation; 40370

(2) State that the suspension will continue in effect until 40371
the proceedings in the criminal case are completed through 40372
conviction, dismissal of the indictment, plea, or finding of not 40373
guilty and, if the department commences a process to terminate the 40374
suspended provider agreement, until the termination process is 40375
concluded; 40376

(3) Inform the provider or owner of the opportunity to submit 40377
to the department, not later than thirty days after receiving the 40378
notice, a request for a reconsideration pursuant to division (G) 40379
of this section. 40380

(G)(1) A noninstitutional medicaid provider or owner subject 40381
to a suspension under this section may request a reconsideration. 40382
The request shall be made not later than thirty days after receipt 40383
of the notice provided under division (F) of this section. The 40384
reconsideration is not subject to an adjudication hearing pursuant 40385
to Chapter 119. of the Revised Code. 40386

(2) In requesting a reconsideration, the provider or owner 40387
shall submit written information and documents to the department. 40388
The information and documents may pertain to any of the following 40389
issues: 40390

(a) Whether the determination to suspend the provider 40391
agreement was based on a mistake of fact, other than the validity 40392

of the indictment; 40393

(b) Whether any offense charged in the indictment resulted from an offense specified in division (E) of this section; 40394
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(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the indictment. 40396
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(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. 40400
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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. 40408
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Sec. 5111.032. (A) As used in this section: 40412

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 40413
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(2) "Department" includes a designee of the department of job and family services. 40415
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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. 40417
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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 40420
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State. 620 (1965), 42 U.S.C. 1396, as amended. 40423

(B)(1) Except as provided in division (B)(2) of this section, 40424
the department of job and family services may require that any 40425
provider, applicant to be a provider, employee or prospective 40426
employee of a provider, owner or prospective owner of a provider, 40427
officer or prospective officer of a provider, or board member or 40428
prospective board member of a provider submit to a criminal 40429
records check as a condition of obtaining a provider agreement, 40430
continuing to hold a provider agreement, being employed by a 40431
provider, having an ownership interest in a provider, or being an 40432
officer or board member of a provider. The department may 40433
designate the categories of persons who are subject to the 40434
criminal records check requirement. The department shall designate 40435
the times at which the criminal records checks must be conducted. 40436

(2) The section does not apply to providers, applicants to be 40437
providers, employees of a provider, or prospective employees of a 40438
provider who are subject to criminal records checks under section 40439
5111.033 or 5111.034 of the Revised Code. 40440

(C)(1) The department shall inform each provider or applicant 40441
to be a provider whether the provider or applicant is subject to a 40442
criminal records check requirement under division (B) of this 40443
section. For providers, the information shall be given at times 40444
designated in rules adopted under this section. For applicants to 40445
be providers, the information shall be given at the time of 40446
initial application. When the information is given, the department 40447
shall specify which of the provider's or applicant's employees or 40448
prospective employees, owners or prospective owners, officers or 40449
prospective officers, or board members or prospective board 40450
members are subject to the criminal records check requirement. 40451

(2) At times designated in rules adopted under this section, 40452
a provider that is subject to the criminal records check 40453
requirement shall inform each person specified by the department 40454

under division (C)(1) of this section that the person is required, 40455
as applicable, to submit to a criminal records check for final 40456
consideration for employment in a full-time, part-time, or 40457
temporary position; as a condition of continued employment; or as 40458
a condition of becoming or continuing to be an officer, board 40459
member or owner of a provider. 40460

(D)(1) If a provider or applicant to be a provider is subject 40461
to a criminal records check under this section, the department 40462
shall require the conduct of a criminal records check by the 40463
superintendent of the bureau of criminal identification and 40464
investigation. If a provider or applicant to be a provider for 40465
whom a criminal records check is required does not present proof 40466
of having been a resident of this state for the five-year period 40467
immediately prior to the date the criminal records check is 40468
requested or provide evidence that within that five-year period 40469
the superintendent has requested information about the individual 40470
from the federal bureau of investigation in a criminal records 40471
check, the department shall require the provider or applicant to 40472
request that the superintendent obtain information from the 40473
federal bureau of investigation as part of the criminal records 40474
check of the provider or applicant. Even if a provider or 40475
applicant for whom a criminal records check request is required 40476
presents proof of having been a resident of this state for the 40477
five-year period, the department may require that the provider or 40478
applicant request that the superintendent obtain information from 40479
the federal bureau of investigation and include it in the criminal 40480
records check of the provider or applicant. 40481

(2) A provider shall require the conduct of a criminal 40482
records check by the superintendent with respect to each of the 40483
persons specified by the department under division (C)(1) of this 40484
section. If the person for whom a criminal records check is 40485
required does not present proof of having been a resident of this 40486

state for the five-year period immediately prior to the date the 40487
criminal records check is requested or provide evidence that 40488
within that five-year period the superintendent of the bureau of 40489
criminal identification and investigation has requested 40490
information about the individual from the federal bureau of 40491
investigation in a criminal records check, the individual shall 40492
request that the superintendent obtain information from the 40493
federal bureau of investigation as part of the criminal records 40494
check of the individual. Even if an individual for whom a criminal 40495
records check request is required presents proof of having been a 40496
resident of this state for the five-year period, the department 40497
may require the provider to request that the superintendent obtain 40498
information from the federal bureau of investigation and include 40499
it in the criminal records check of the person. 40500

(E)(1) Criminal records checks required under this section 40501
for providers or applicants to be providers shall be obtained as 40502
follows: 40503

(a) The department shall provide each provider or applicant 40504
information about accessing and completing the form prescribed 40505
pursuant to division (C)(1) of section 109.572 of the Revised Code 40506
and the standard fingerprint impression sheet prescribed pursuant 40507
to division (C)(2) of that section. 40508

(b) The provider or applicant shall submit the required form 40509
and one complete set of fingerprint impressions directly to the 40510
superintendent for purposes of conducting the criminal records 40511
check using the applicable methods prescribed by division (C) of 40512
section 109.572 of the Revised Code. The applicant or provider 40513
shall pay all fees associated with obtaining the criminal records 40514
check. 40515

(c) The superintendent shall conduct the criminal records 40516
check in accordance with section 109.572 of the Revised Code. The 40517
provider or applicant shall instruct the superintendent to submit 40518

the report of the criminal records check directly to the director 40519
of job and family services. 40520

(2) Criminal records checks required under this section for 40521
persons specified by the department under division (C)(1) of this 40522
section shall be obtained as follows: 40523

(a) The provider shall give to each person subject to 40524
criminal records check requirement information about accessing and 40525
completing the form prescribed pursuant to division (C)(1) of 40526
section 109.572 of the Revised Code and the standard fingerprint 40527
impression sheet prescribed pursuant to division (C)(2) of that 40528
section. 40529

(b) The person shall submit the required form and one 40530
complete set of fingerprint impressions directly to the 40531
superintendent for purposes of conducting the criminal records 40532
check using the applicable methods prescribed by division (C) of 40533
section 109.572 of the Revised Code. The person shall pay all fees 40534
associated with obtaining the criminal records check. 40535

(c) The superintendent shall conduct the criminal records 40536
check in accordance with section 109.572 of the Revised Code. The 40537
person subject to the criminal records check shall instruct the 40538
superintendent to submit the report of the criminal records check 40539
directly to the provider. The department may require the provider 40540
to submit the report to the department. 40541

(F) If a provider or applicant to be a provider is given the 40542
information specified in division (E)(1)(a) of this section but 40543
fails to obtain a criminal records check, the department shall, as 40544
applicable, terminate the provider agreement or deny the 40545
application to be a provider. 40546

If a person is given the information specified in division 40547
(E)(2)(a) of this section but fails to obtain a criminal records 40548
check, the provider shall not, as applicable, permit the person to 40549

be an employee, owner, officer, or board member of the provider. 40550

(G) Except as provided in rules adopted under division (J) of 40551
this section, the department shall terminate the provider 40552
agreement of a provider or the department shall not issue a 40553
provider agreement to an applicant if the provider or applicant is 40554
subject to a criminal records check under this section and the 40555
provider or applicant has been convicted of, has pleaded guilty 40556
to, or has been found eligible for intervention in lieu of 40557
conviction for any of the following: 40558

(1) A violation of section 2903.01, 2903.02, 2903.03, 40559
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 40560
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 40561
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 40562
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 40563
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 40564
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 40565
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 40566
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 40567
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 40568
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 40569
3716.11 of the Revised Code, felonious sexual penetration in 40570
violation of former section 2907.12 of the Revised Code, a 40571
violation of section 2905.04 of the Revised Code as it existed 40572
prior to July 1, 1996, a violation of section 2919.23 of the 40573
Revised Code that would have been a violation of section 2905.04 40574
of the Revised Code as it existed prior to July 1, 1996, had the 40575
violation been committed prior to that date; 40576

(2) An existing or former law of this state, any other state, 40577
or the United States that is substantially equivalent to any of 40578
the offenses listed in division (D)(1) of this section. 40579

(H)(1)(a) Except as provided in rules adopted under division 40580
(J) of this section and subject to division (H)(2) of this 40581

section, no provider shall permit a person to be an employee, 40582
owner, officer, or board member of the provider if the person is 40583
subject to a criminal records check under this section and the 40584
person has been convicted of, has pleaded guilty to, or has been 40585
found eligible for intervention in lieu of conviction for any of 40586
the offenses specified in division (G)(1) or (2) of this section. 40587

(b) No provider shall employ a person who has been excluded 40588
from participating in the medicaid program, the medicare program 40589
operated pursuant to Title XVIII of the "Social Security Act," or 40590
any other federal health care program. 40591

(2)(a) A provider may employ conditionally a person for whom 40592
a criminal records check is required under this section prior to 40593
obtaining the results of a criminal records check regarding the 40594
person, but only if the person submits a request for a criminal 40595
records check not later than five business days after the 40596
individual begins conditional employment. 40597

(b) A provider that employs a person conditionally under 40598
authority of division (H)(2)(a) of this section shall terminate 40599
the person's employment if the results of the criminal records 40600
check request are not obtained within the period ending sixty days 40601
after the date the request is made. Regardless of when the results 40602
of the criminal records check are obtained, if the results 40603
indicate that the individual has been convicted of, has pleaded 40604
guilty to, or has been found eligible for intervention in lieu of 40605
conviction for any of the offenses specified in division (G)(1) or 40606
(2) of this section, the provider shall terminate the person's 40607
employment unless the provider chooses to employ the individual 40608
pursuant to division (J) of this section. 40609

(I) The report of a criminal records check conducted pursuant 40610
to this section is not a public record for the purposes of section 40611
149.43 of the Revised Code and shall not be made available to any 40612
person other than the following: 40613

(1) The person who is the subject of the criminal records check or the person's representative; 40614
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(2) The director of job and family services and the staff of the department in the administration of the medicaid program; 40616
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(3) A court, hearing officer, or other necessary individual involved in a case dealing with the denial or termination of a provider agreement; 40618
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(4) A court, hearing officer, or other necessary individual involved in a case dealing with a person's denial of employment, termination of employment, or employment or unemployment benefits. 40621
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(J) 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 may continue a provider agreement or issue a provider agreement to an applicant when the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section. The rules may also specify circumstances under which a provider may permit a person to be an employee, owner, officer, or board member of the provider, when the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section. 40624
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Sec. 5111.95 5111.033. (A) As used in this section: 40637

(1) "Applicant" means a person who is under final 40638
consideration for employment or, after ~~the effective date of this~~ 40639
~~section~~ September 26, 2003, an existing employee with a waiver 40640
agency in a full-time, part-time, or temporary position that 40641
involves providing home and community-based waiver services to a 40642
person with disabilities. "Applicant" also means an existing 40643

employee with a waiver agency in a full-time, part-time, or 40644
temporary position that involves providing home and 40645
community-based waiver services to a person with disabilities 40646
after ~~the effective date of this section~~ September 26, 2003. 40647

(2) "Criminal records check" has the same meaning as in 40648
section 109.572 of the Revised Code. 40649

(3) "Waiver agency" means a person or government entity that 40650
is not certified under the medicare program and is accredited by 40651
the community health accreditation program or the joint commission 40652
on accreditation of health care organizations or a company that 40653
provides home and community-based waiver services to persons with 40654
disabilities through department of job and family services 40655
administered home and community-based waiver programs. 40656

(4) "Home and community-based waiver services" means services 40657
furnished under the provision of 42 C.F.R. 441, subpart G, that 40658
permit individuals to live in a home setting rather than a nursing 40659
facility or hospital. Home and community-based waiver services are 40660
approved by the centers for medicare and medicaid for specific 40661
populations and are not otherwise available under the medicaid 40662
state plan. 40663

(B)(1) The chief administrator of a waiver agency shall 40664
require each applicant to request that the superintendent of the 40665
bureau of criminal identification and investigation conduct a 40666
criminal records check with respect to ~~each~~ the applicant. If an 40667
applicant for whom a criminal records check request is required 40668
under this division does not present proof of having been a 40669
resident of this state for the five-year period immediately prior 40670
to the date the criminal records check is requested or provide 40671
evidence that within that five-year period the superintendent has 40672
requested information about the applicant from the federal bureau 40673
of investigation in a criminal records check, the chief 40674
administrator shall require the applicant to request that the 40675

superintendent obtain information from the federal bureau of 40676
investigation as part of the criminal records check of the 40677
applicant. Even if an applicant for whom a criminal records check 40678
request is required under this division presents proof of having 40679
been a resident of this state for the five-year period, the chief 40680
administrator may require the applicant to request that the 40681
superintendent include information from the federal bureau of 40682
investigation in the criminal records check. 40683

~~(2) A person required by division (B)(1) of this section to~~ 40684
~~request a criminal records check~~ The chief administrator shall ~~do~~ 40685
~~both of provide~~ the following: 40686

~~(a) Provide~~ to each applicant for whom a criminal records 40687
check request is required under division (B)(1) of this section a 40688
~~copy of:~~ 40689

(a) Information about accessing, completing, and forwarding 40690
to the superintendent of the bureau of criminal identification and 40691
investigation the form prescribed pursuant to division (C)(1) of 40692
section 109.572 of the Revised Code and a the standard fingerprint 40693
impression sheet prescribed pursuant to division (C)(2) of that 40694
section, ~~and obtain the completed form and impression sheet from~~ 40695
~~the applicant;~~ 40696

~~(b) Forward the completed form and impression sheet to the~~ 40697
~~superintendent of the bureau of criminal identification and~~ 40698
~~investigation~~ Written notification that the applicant is to 40699
instruct the superintendent to submit the completed report of the 40700
criminal records check directly to the chief administrator. 40701

(3) An applicant ~~provided the form and fingerprint impression~~ 40702
~~sheet under division (B)(2)(a) of this section who fails to~~ 40703
~~complete the form or provide fingerprint impressions~~ given 40704
information and notification under divisions (B)(2)(a) and (b) of 40705
this section who fails to access, complete, and forward to the 40706

superintendent the form or the standard fingerprint impression 40707
sheet, or who fails to instruct the superintendent to submit the 40708
completed report of the criminal records check directly to the 40709
chief administrator, shall not be employed in any position in a 40710
waiver agency for which a criminal records check is required by 40711
this section. 40712

(C)(1) Except as provided in rules adopted by the department 40713
of job and family services in accordance with division (F) of this 40714
section and subject to division (C)(2) of this section, no waiver 40715
agency shall employ a person in a position that involves providing 40716
home and community-based waiver services to persons with 40717
disabilities if the person has been convicted of ~~or~~, has pleaded 40718
guilty to, or has been found eligible for intervention in lieu of 40719
conviction for any of the following: 40720

(a) A violation of section 2903.01, 2903.02, 2903.03, 40721
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 40722
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 40723
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 40724
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 40725
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 40726
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 40727
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 40728
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 40729
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 40730
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 40731
3716.11 of the Revised Code, felonious sexual penetration in 40732
violation of former section 2907.12 of the Revised Code, a 40733
violation of section 2905.04 of the Revised Code as it existed 40734
prior to July 1, 1996, a violation of section 2919.23 of the 40735
Revised Code that would have been a violation of section 2905.04 40736
of the Revised Code as it existed prior to July 1, 1996, had the 40737
violation been committed prior to that date; 40738

(b) An existing or former law of this state, any other state, 40739
or the United States that is substantially equivalent to any of 40740
the offenses listed in division (C)(1)(a) of this section. 40741

(2)(a) A waiver agency may employ conditionally an applicant 40742
for whom a criminal records check request is required under 40743
division (B) of this section prior to obtaining the results of a 40744
criminal records check regarding the individual, provided that the 40745
agency shall require the individual to request a criminal records 40746
check regarding the individual in accordance with division (B)(1) 40747
of this section not later than five business days after the 40748
individual begins conditional employment. 40749

(b) A waiver agency that employs an individual conditionally 40750
under authority of division (C)(2)(a) of this section shall 40751
terminate the individual's employment if the results of the 40752
criminal records check request under division (B) of this section, 40753
other than the results of any request for information from the 40754
federal bureau of investigation, are not obtained within the 40755
period ending sixty days after the date the request is made. 40756
Regardless of when the results of the criminal records check are 40757
obtained, if the results indicate that the individual has been 40758
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 40759
for intervention in lieu of conviction for any of the offenses 40760
listed or described in division (C)(1) of this section, the agency 40761
shall terminate the individual's employment unless the agency 40762
chooses to employ the individual pursuant to division (F) of this 40763
section. 40764

(D)(1) ~~Each waiver agency shall pay to the bureau of criminal~~ 40765
~~identification and investigation the~~ The fee prescribed pursuant 40766
to division (C)(3) of section 109.572 of the Revised Code for each 40767
criminal records check conducted pursuant to a request made under 40768
division (B) of this section shall be paid to the bureau of 40769
criminal identification and investigation by the applicant or the 40770

waiver agency. 40771

(2) A If a waiver agency pays the fee, it may charge ~~an~~ the 40772
applicant a fee not exceeding the amount the agency pays under 40773
division (D)(1) of this section. An agency may collect a fee only 40774
if the agency notifies the person at the time of initial 40775
application for employment of the amount of the fee and that, 40776
unless the fee is paid, the person will not be considered for 40777
employment. 40778

(E) The report of any criminal records check conducted 40779
pursuant to a request made under this section is not a public 40780
record for the purposes of section 149.43 of the Revised Code and 40781
shall not be made available to any person other than the 40782
following: 40783

(1) The individual who is the subject of the criminal records 40784
check or the individual's representative; 40785

(2) The chief administrator of the agency requesting the 40786
criminal records check or the administrator's representative; 40787

(3) An administrator at the department; 40788

(4) A court, hearing officer, or other necessary individual 40789
involved in a case dealing with a denial of employment of the 40790
applicant or dealing with employment or unemployment benefits of 40791
the applicant. 40792

(F) The department shall adopt rules in accordance with 40793
Chapter 119. of the Revised Code to implement this section. The 40794
rules shall specify circumstances under which a waiver agency may 40795
employ a person who has been convicted of ~~or~~, has pleaded guilty 40796
to, or has been found eligible for intervention in lieu of 40797
conviction for an offense listed or described in division (C)(1) 40798
of this section ~~but meets personal character standards set by the~~ 40799
department. 40800

(G) The chief administrator of a waiver agency shall inform each person, at the time of initial application for a position that involves providing home and community-based waiver services to a person with a disability, that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person comes under final consideration for employment.

(H)(1) A person who, on ~~the effective date of this section~~ September 26, 2003, is an employee of a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities shall comply with this section within sixty days after ~~the effective date of this section~~ September 26, 2003, unless division (H)(2) of this section applies.

(2) This section shall not apply to a person to whom all of the following apply:

(a) On ~~the effective date of this section~~ September 26, 2003, the person is an employee of a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities.

(b) The person previously had been the subject of a criminal background check relating to that position;

(c) The person has been continuously employed in that position since that criminal background check had been conducted.

Sec. ~~5111.96~~ 5111.034. (A) As used in this section:

(1) "Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after ~~the effective date of this section~~ September 26, 2003.

(2) "Criminal records check" has the same meaning as in

section 109.572 of the Revised Code. 40831

(3) "~~The department~~ Department" means includes a designee of 40832
the department of job and family services ~~or its designee.~~ 40833

(4) "Independent provider" means a person who is submitting 40834
an application for a provider agreement or who has a provider 40835
agreement as an independent provider in a department of job and 40836
family services administered home and community-based services 40837
program providing home and community-based waiver services to 40838
consumers with disabilities. 40839

(5) "Home and community-based waiver services" has the same 40840
meaning as in section ~~5111.95~~ 5111.033 of the Revised Code. 40841

(B)(1) The department of job and family services shall inform 40842
each independent provider, at the time of initial application for 40843
a provider agreement that involves providing home and 40844
community-based waiver services to consumers with disabilities, 40845
that the independent provider is required to provide a set of 40846
fingerprint impressions and that a criminal records check is 40847
required to be conducted if the person is to become an independent 40848
provider in a department administered home and community-based 40849
waiver program. 40850

(2) Beginning on ~~the effective date of this section~~ September 40851
26, 2003, the department shall inform each enrolled medicaid 40852
independent provider on or before time of the anniversary date of 40853
the provider agreement that involves providing home and 40854
community-based waiver services to consumers with disabilities 40855
that the independent provider is required to provide a set of 40856
fingerprint impressions and that a criminal records check is 40857
required to be conducted. 40858

(C)(1) The department shall require the independent provider 40859
to complete a criminal records check prior to entering into a 40860
provider agreement with the independent provider and at least 40861

annually thereafter. If an independent provider for whom a 40862
criminal records check is required under this division does not 40863
present proof of having been a resident of this state for the 40864
five-year period immediately prior to the date the criminal 40865
records check is requested or provide evidence that within that 40866
five-year period the superintendent of the bureau of criminal 40867
identification and investigation has requested information about 40868
the ~~applicant~~ independent provider from the federal bureau of 40869
investigation in a criminal records check, the department shall 40870
request that the independent provider obtain through the 40871
superintendent a criminal records request from the federal bureau 40872
of investigation as part of the criminal records check of the 40873
independent provider. Even if an independent provider for whom a 40874
criminal records check request is required under this division 40875
presents proof of having been a resident of this state for the 40876
five-year period, the department may request that the independent 40877
provider obtain information through the superintendent from the 40878
federal bureau of investigation in the criminal records check. 40879

(2) The department shall ~~do both of~~ provide the following: 40880

~~(a) Provide information~~ to each independent provider for whom 40881
a criminal records check request is required under division (C)(1) 40882
of this section ~~about requesting a copy of:~~ 40883

(a) Information about accessing, completing, and forwarding 40884
to the superintendent of the bureau of criminal identification and 40885
investigation the form prescribed pursuant to division (C)(1) of 40886
section 109.572 of the Revised Code and a the standard fingerprint 40887
impression sheet prescribed pursuant to division (C)(2) of that 40888
section, ~~and obtain the completed form and impression sheet and~~ 40889
~~fee from the independent provider;~~ 40890

~~(b) Forward the completed form, impression sheet, and fee to~~ 40891
~~the superintendent of the bureau of criminal identification and~~ 40892
~~investigation~~ Written notification that the independent provider 40893

is to instruct the superintendent to submit the completed report 40894
of the criminal records check directly to the department. 40895

(3) An independent provider given information ~~about obtaining~~ 40896
~~the form and fingerprint impression sheet under division (C)(2)(a)~~ 40897
~~of this section who fails to complete the form or provide~~ 40898
~~fingerprint impressions and notification under divisions (C)(2)(a)~~ 40899
~~and (b) of this section who fails to access, complete, and forward~~ 40900
~~to the superintendent the form or the standard fingerprint~~ 40901
~~impression sheet, or who fails to instruct the superintendent to~~ 40902
~~submit the completed report of the criminal records check directly~~ 40903
~~to the department,~~ shall not be approved as an independent 40904
provider. 40905

(D) Except as provided in rules adopted by the department in 40906
accordance with division (G) of this section, the department shall 40907
not issue a new provider agreement to, and shall terminate an 40908
existing provider agreement of, an independent provider if the 40909
person has been convicted of ~~or~~, has pleaded guilty to, or has 40910
been found eligible for intervention in lieu of conviction for any 40911
of the following: 40912

(1) A violation of section 2903.01, 2903.02, 2903.03, 40913
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 40914
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 40915
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 40916
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 40917
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 40918
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 40919
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 40920
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 40921
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 40922
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 40923
3716.11 of the Revised Code, felonious sexual penetration in 40924
violation of former section 2907.12 of the Revised Code, a 40925

violation of section 2905.04 of the Revised Code as it existed 40926
prior to July 1, 1996, a violation of section 2919.23 of the 40927
Revised Code that would have been a violation of section 2905.04 40928
of the Revised Code as it existed prior to July 1, 1996, had the 40929
violation been committed prior to that date; 40930

(2) An existing or former law of this state, any other state, 40931
or the United States that is substantially equivalent to any of 40932
the offenses listed in division (D)(1) of this section. 40933

(E) Each independent provider shall pay to the bureau of 40934
criminal identification and investigation the fee prescribed 40935
pursuant to division (C)(3) of section 109.572 of the Revised Code 40936
for each criminal records check conducted pursuant to a request 40937
made under division (C) of this section. 40938

(F) The report of any criminal records check conducted by the 40939
bureau of criminal identification and investigation in accordance 40940
with section 109.572 of the Revised Code and pursuant to a request 40941
made under division (C) of this section is not a public record for 40942
the purposes of section 149.43 of the Revised Code and shall not 40943
be made available to any person other than the following: 40944

(1) The person who is the subject of the criminal records 40945
check or the person's representative; 40946

(2) ~~The~~ An administrator at the department ~~who is requesting~~ 40947
~~the criminal records check~~ or the administrator's representative; 40948

(3) ~~Any~~ A court, hearing officer, or other necessary 40949
individual involved in a case dealing with a denial or termination 40950
of a provider agreement related to the criminal records check. 40951

(G) The department shall adopt rules in accordance with 40952
Chapter 119. of the Revised Code to implement this section. The 40953
rules shall specify circumstances under which the department may 40954
either issue a provider agreement to an independent provider ~~who~~ 40955
or allow an independent provider to maintain an existing provider 40956

agreement when the independent provider has been convicted of ~~ex,~~ 40957
has pleaded guilty to, or has been found eligible for intervention 40958
in lieu of conviction for an offense listed or described in 40959
division (C)(1) of this section ~~but meets personal character~~ 40960
~~standards set by the department.~~ 40961

Sec. 5111.06. (A)(1) As used in this section and in sections 40962
5111.061 and 5111.062 of the Revised Code: 40963

(a) "Provider" means any person, institution, or entity that 40964
furnishes medicaid services under a provider agreement with the 40965
department of job and family services pursuant to Title XIX of the 40966
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 40967
amended. 40968

(b) "Party" has the same meaning as in division (G) of 40969
section 119.01 of the Revised Code. 40970

(c) "Adjudication" has the same meaning as in division (D) of 40971
section 119.01 of the Revised Code. 40972

(2) This section does not apply to any action taken by the 40973
department of job and family services under sections 5111.35 to 40974
5111.62 of the Revised Code. 40975

(B) Except as provided in division (D) of this section and 40976
section 5111.914 of the Revised Code, the department shall do 40977
either of the following by issuing an order pursuant to an 40978
adjudication conducted in accordance with Chapter 119. of the 40979
Revised Code: 40980

(1) Enter into or refuse to enter into a provider agreement 40981
with a provider, or suspend, terminate, renew, or refuse to renew 40982
an existing provider agreement with a provider; 40983

(2) Take any action based upon a final fiscal audit of a 40984
provider. 40985

(C) Any party who is adversely affected by the issuance of an 40986

adjudication order under division (B) of this section may appeal 40987
to the court of common pleas of Franklin county in accordance with 40988
section 119.12 of the Revised Code. 40989

(D) The department is not required to comply with division 40990
(B)(1) of this section whenever any of the following occur: 40991

(1) The terms of a provider agreement require the provider to 40992
~~have hold~~ a license, permit, or certificate or maintain a 40993
certification issued by an official, board, commission, 40994
department, division, bureau, or other agency of state or federal 40995
government other than the department of job and family services, 40996
and the license, permit, ~~or~~ certificate, or certification has been 40997
denied ~~or~~, revoked, not renewed, suspended, or otherwise limited. 40998

(2) The terms of a provider agreement require the provider to 40999
hold a license, permit, or certificate or maintain certification 41000
issued by an official, board, commission, department, division, 41001
bureau, or other agency of state or federal government other than 41002
the department of job and family services, and the provider has 41003
not obtained the license, permit, certificate, or certification. 41004

(3) The provider agreement is denied, terminated, or not 41005
renewed due to the termination, refusal to renew, or denial of a 41006
license, permit, certificate, or certification by an official, 41007
board, commission, department, division, bureau, or other agency 41008
of this state other than the department of job and family 41009
services, notwithstanding the fact that the provider may hold a 41010
license, permit, certificate, or certification from an official, 41011
board, commission, department, division, bureau, or other agency 41012
of another state. 41013

~~(2)~~(4) The provider agreement is denied, terminated, or not 41014
renewed pursuant to division (C) or ~~(E)~~(F) of section 5111.03 of 41015
the Revised Code; 41016

~~(3)~~(5) The provider agreement is denied, terminated, or not 41017

renewed due to the provider's termination, suspension, or 41018
exclusion from the medicare program established under Title XVIII 41019
of the "Social Security Act," and the termination, suspension, or 41020
exclusion is binding on the provider's participation in the 41021
medicaid program; 41022

~~(4)~~(6) The provider agreement is denied, terminated, or not 41023
renewed due to the provider's pleading guilty to or being 41024
convicted of a criminal activity materially related to either the 41025
medicare or medicaid program; 41026

~~(5)~~(7) The provider agreement is denied, terminated, or 41027
suspended as a result of action by the United States department of 41028
health and human services and that action is binding on the 41029
provider's participation in the medicaid program; 41030

~~(6)~~(8) The provider agreement is suspended pursuant to 41031
section 5111.031 of the Revised Code pending indictment of the 41032
provider. 41033

(9) The provider agreement is denied, terminated, or not 41034
renewed because the provider has been convicted of one of the 41035
offenses that caused the provider agreement to be suspended 41036
pursuant to section 5111.031 of the Revised Code. 41037

(10) The provider agreement is terminated or an application 41038
for re-enrollment is denied because the provider has failed to 41039
apply for re-enrollment within the time or in the manner specified 41040
for re-enrollment pursuant to section 5111.028 of the Revised 41041
Code. 41042

(11) The provider agreement is terminated or not renewed 41043
because the provider has not billed or otherwise submitted a 41044
medicaid claim to the department for two years or longer, and the 41045
department has determined that the provider has moved from the 41046
address on record with the department without leaving an active 41047
forwarding address with the department. 41048

In the case of a provider described in division (D)~~(6)~~(11) of 41049
this section, the department may terminate or not renew the 41050
provider agreement by sending a notice explaining the department's 41051
proposed action to the address on record with the department. The 41052
notice may be sent by regular mail. 41053

(E) The department may withhold payments for services 41054
rendered by a medicaid provider under the medical assistance 41055
program during the pendency of proceedings initiated under 41056
division (B)(1) of this section. If the proceedings are initiated 41057
under division (B)(2) of this section, the department may withhold 41058
payments only to the extent that they equal amounts determined in 41059
a final fiscal audit as being due the state. This division does 41060
not apply if the department fails to comply with section 119.07 of 41061
the Revised Code, requests a continuance of the hearing, or does 41062
not issue a decision within thirty days after the hearing is 41063
completed. This division does not apply to nursing facilities and 41064
intermediate care facilities for the mentally retarded as defined 41065
in section 5111.20 of the Revised Code. 41066

Sec. 5111.084. There is hereby established the pharmacy and 41067
therapeutics committee of the department of job and family 41068
services. The committee shall consist of nine members and shall be 41069
appointed by the director of job and family services. The 41070
membership of the committee shall include: three pharmacists 41071
licensed under Chapter 4729. of the Revised Code; two doctors of 41072
medicine and two doctors of osteopathy licensed under Chapter 41073
4731. of the Revised Code; a registered nurse licensed under 41074
Chapter 4723. of the Revised Code; and a pharmacologist who has a 41075
doctoral degree. At least one of the members who is a doctor of 41076
medicine or doctor of osteopathy shall be a psychiatrist. The 41077
committee shall elect one of its members as chairperson. 41078

Sec. 5111.085. (A) As used in this section, "mental health 41079

drug" means a drug that meets one of the following requirements: 41080

(1) Is classified as an antianxiety, antidepressant, anticonvulsant, or antipsychotic central nervous system drug in the most recent edition of one of the following publications: 41081

(a) The American psychiatric press textbook of psychopharmacology; 41082
41083
41084
41085

(b) Current clinical strategies for psychiatry; 41086

(c) Drug facts and comparisons; 41087

(d) A publication with a focus and content comparable to the publications described in divisions (A)(1)(a) to (c) of this section as determined by the director of job and family services. 41088
41089
41090

(2) Is classified in one of the publications described in division (A)(1) of this section as a central nervous system drug in a category or classification that is created after the effective date of this section; 41091
41092
41093
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(3) Is classified in one of the publications described in division (A)(1) of this section as a cross-indicated drug for any of the central nervous system drugs specified in division (A)(1) or (2) of this section because the drug's use in that capacity is generally held to be reasonable, appropriate, and within the community standards of care even though the use is not included in the United States food and drug administration's approved labeling for the drug; 41095
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(4) Is recommended for the treatment of a mental illness or mental disorder, as those terms are defined in the most recent edition of the American psychiatric association's diagnostic and statistical manual of mental disorders. 41103
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(B) The only mental health drugs that may be subjected to a prior authorization requirement, preferred drug list, or generic substitution requirement under the medicaid program are mental 41107
41108
41109

health drugs that are brand name and for which there are generic 41110
equivalents. 41111

Sec. 5111.10. The director of job and family services may 41112
conduct reviews of the medicaid program. The reviews may include 41113
physical inspections of records and sites where medicaid-funded 41114
services are provided and interviews of providers and recipients 41115
of the services. If the director determines pursuant to a review 41116
that a person or government entity has violated a rule governing 41117
the medicaid program, the director may establish a corrective 41118
action plan for the violator and impose fiscal, administrative, or 41119
both types of sanctions on the violator in accordance with rules 41120
governing the medicaid program. ~~Such action to be taken against a~~ 41121
~~responsible entity, as defined in section 5101.24 of the Revised~~ 41122
~~Code, shall be taken in accordance with that section.~~ 41123

Sec. 5111.101. (A) As used in this section, ~~"federal";~~ 41124
"Agent" and "contractor" include any agent, contractor, 41125
subcontractor, or other person who, on behalf of an entity, 41126
furnishes or authorizes the furnishing of health care items or 41127
services under the medicaid program, performs billing or coding 41128
functions, or is involved in monitoring of health care that an 41129
entity provides. 41130

"Employee" includes any officer or employee (including 41131
management employees) of an entity. 41132

"Entity" includes a governmental entity or an organization, 41133
unit, corporation, partnership, or other business arrangement, 41134
including any medicaid managed care organization, irrespective of 41135
the form of business structure or arrangement by which it exists, 41136
whether for-profit or not-for-profit. "Entity" does not include a 41137
government entity that administers one or more components of the 41138
medicaid program, unless the government entity receives medicaid 41139

payments for providing items or services. 41140

"Federal health care programs" has the same meaning as in 42 41141
U.S.C. 1320a-7b(f). 41142

(B) Each ~~person and government~~ entity that receives or makes 41143
~~medicaid in a federal fiscal year payments in a calendar year that~~ 41144
~~total under the medicaid program, either through the state~~ 41145
~~medicaid plan or a federal medicaid waiver, totaling at least five~~ 41146
million dollars ~~or more~~ shall, as a condition of receiving such 41147
payments, do all of the following not later than the first day of 41148
the succeeding calendar year: 41149

(1) ~~Provide each of the person or government entity's~~ 41150
Establish written policies for all of the entity's employees 41151
~~(including management employees), contractors, and agents, that~~ 41152
provide detailed, ~~written~~ information about the role of all of the 41153
following in preventing and detecting fraud, waste, and abuse in 41154
federal health care programs: 41155

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 41156

(b) Federal administrative remedies for false claims and 41157
statements available under 31 U.S.C. 3801 to 3812; 41158

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 41159
Revised Code and any other state laws pertaining to civil or 41160
criminal penalties for false claims and statements; 41161

(d) Whistleblower protections under the laws specified in 41162
divisions (B)(1)(a) to (c) of this section. 41163

(2) Include ~~in~~ as part of the written information provided 41164
~~under policies required by~~ division (B)(1) of this section 41165
detailed ~~information about~~ provisions regarding the ~~person or~~ 41166
~~government~~ entity's policies and procedures for preventing and 41167
detecting fraud, waste, and abuse. 41168

(3) ~~Include~~ Disseminate the written policies required by 41169

division (B)(1) of this section to each of the entity's employees, 41170
contractors, and agents in a paper or electronic form and make the 41171
written policies readily available to the entity's employees, 41172
contractors, and agents. 41173

(4) If the entity has an employee handbook, include in the 41174
person or government entity's employee handbook a specific 41175
discussion of the laws specified in division (B)(1) of this 41176
section, the rights of employees to be protected as 41177
whistleblowers, and the person or government entity's policies and 41178
procedures for preventing and detecting fraud, waste, and abuse. 41179

(5) Require the entity's contractors and agents to adopt the 41180
entity's written policies required by division (B)(1) of this 41181
section. 41182

(C) An entity that furnishes items or services at multiple 41183
locations or under multiple contractual or other payment 41184
arrangements is required to comply with division (B) of this 41185
section if the entity receives in a federal fiscal year medicaid 41186
payments totaling in the aggregate at least five million dollars. 41187
This applies regardless of whether the entity submits claims for 41188
medicaid payments using multiple provider identification or tax 41189
identification numbers. 41190

Sec. 5111.102. As used in this section, "state agency" has 41191
the same meaning as in section 9.23 of the Revised Code. 41192

No provision of Title LI of the Revised Code or any other law 41193
of this state that incorporates any provision of federal Medicaid 41194
law, Title XIX of the Social Security Act, 79 Stat. 286 (1965), 42 41195
U.S.C. 1396, or that may be construed as requiring the state, a 41196
state agency, or any state official or employee to comply with 41197
that federal provision, shall be construed as creating a cause of 41198
action to enforce such state law beyond the causes of action 41199
available under federal law for enforcement of the provision of 41200

<u>federal law.</u>	41201
Sec. 5111.11. (A) As used in this section and section	41202
5111.111 of the Revised Code:	41203
(1) "Estate" includes both of the following:	41204
(a) All real and personal property and other assets to be	41205
administered under Title XXI of the Revised Code and property that	41206
would be administered under that title if not for section 2113.03	41207
or 2113.031 of the Revised Code;	41208
(b) Any other real and personal property and other assets in	41209
which an individual had any legal title or interest at the time of	41210
death (to the extent of the interest), including assets conveyed	41211
to a survivor, heir, or assign of the individual through joint	41212
tenancy, tenancy in common, survivorship, life estate, living	41213
trust, or other arrangement.	41214
(2) "Institution" means a nursing facility, intermediate care	41215
facility for the mentally retarded, or a medical institution.	41216
(3) "Intermediate care facility for the mentally retarded"	41217
and "nursing facility" have the same meanings as in section	41218
5111.20 of the Revised Code.	41219
(4) "Permanently institutionalized individual" means an	41220
individual to whom all of the following apply:	41221
(a) Is an inpatient in an institution;	41222
(b) Is required, as a condition of the medicaid program	41223
paying for the individual's services in the institution, to spend	41224
for costs of medical or nursing care all of the individual's	41225
income except for an amount for personal needs specified by the	41226
department of job and family services;	41227
(c) Cannot reasonably be expected to be discharged from the	41228
institution and return home as determined by the department of job	41229

and family services. 41230

(5) "Qualified state long-term care insurance partnership 41231
program" means the program established under section 5111.18 of 41232
the Revised Code. 41233

(6) "Time of death" shall not be construed to mean a time 41234
after which a legal title or interest in real or personal property 41235
or other asset may pass by survivorship or other operation of law 41236
due to the death of the decedent or terminate by reason of the 41237
decedent's death. 41238

(B) To the extent permitted by federal law, the department of 41239
job and family services shall institute ~~an~~ a medicaid estate 41240
recovery program under which the department shall, except as 41241
provided in divisions (C), ~~(D)~~, and (E) of this section, and 41242
subject to division (D) of this section, do ~~both~~ all of the 41243
following: 41244

(1) For the costs of medicaid services the medicaid program 41245
correctly paid or will pay on behalf of a permanently 41246
institutionalized individual of any age, seek adjustment or 41247
recovery from the individual's estate or on the sale of property 41248
of the individual or spouse that is subject to a lien imposed 41249
under section 5111.111 of the Revised Code; 41250

(2) For the costs of medicaid services the medicaid program 41251
correctly paid or will pay on behalf of an individual fifty-five 41252
years of age or older who is not a permanently institutionalized 41253
individual, seek adjustment or recovery from the individual's 41254
estate; 41255

(3) For the costs of nursing facility and other long-term 41256
care services the medicaid program correctly paid or will pay on 41257
behalf of an individual who has received, or is entitled to 41258
receive, benefits under a long-term care insurance policy in 41259
connection with which assets or resources are disregarded to the 41260

extent that payments are made under a long-term care insurance policy or because an individual has received, or is entitled to receive, benefits under a long-term care insurance policy, seek adjustment or recovery from the individual's estate. 41261
41262
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(C)(1) No adjustment or recovery may be made under division 41265
(B)(1) of this section from a permanently institutionalized 41266
individual's estate or on the sale of property of a permanently 41267
institutionalized individual that is subject to a lien imposed 41268
under section 5111.111 of the Revised Code or under division 41269
(B)(2) or (3) of this section from an individual's estate while 41270
either of the following are alive: 41271

(a) The spouse of the permanently institutionalized 41272
individual or individual; 41273

(b) The son or daughter of a permanently institutionalized 41274
individual or individual if the son or daughter is under age 41275
twenty-one or, under 42 U.S.C. 1382c, is considered blind or 41276
disabled. 41277

(2) No adjustment or recovery may be made under division 41278
(B)(1) of this section from a permanently institutionalized 41279
individual's home that is subject to a lien imposed under section 41280
5111.111 of the Revised Code while either of the following 41281
lawfully reside in the home: 41282

(a) The permanently institutionalized individual's sibling 41283
who resided in the home for at least one year immediately before 41284
the date of the permanently institutionalized individual's 41285
admission to the institution and on a continuous basis since that 41286
time; 41287

(b) The permanently institutionalized individual's son or 41288
daughter who provided care to the permanently institutionalized 41289
individual that delayed the permanently institutionalized 41290
individual's institutionalization and resided in the home for at 41291

least two years immediately before the date of the permanently 41292
institutionalized individual's admission to the institution and on 41293
a continuous basis since that time. 41294

(D) In the case of a participant of the qualified state 41295
long-term care insurance partnership program, adjustment or 41296
recovery required by this section may be reduced in accordance 41297
with rules adopted under division (G) of this section. 41298

(E) The department shall, in accordance with procedures and 41299
criteria established in rules adopted under division (G) of this 41300
section, waive seeking an adjustment or recovery otherwise 41301
required by this section if the director of job and family 41302
services determines that adjustment or recovery would work an 41303
undue hardship. The department may limit the duration of the 41304
waiver to the period during which the undue hardship exists. 41305

(F) For the purpose of determining whether an individual 41306
meets the definition of "permanently institutionalized individual" 41307
established for this section, a rebuttable presumption exists that 41308
the individual cannot reasonably be expected to be discharged from 41309
an institution and return home if either of the following is the 41310
case: 41311

(1) The individual declares that he or she does not intend to 41312
return home. 41313

(2) The individual has been an inpatient in an institution 41314
for at least six months. 41315

(G) The director of job and family services shall adopt rules 41316
in accordance with Chapter 119. of the Revised Code regarding the 41317
medicaid estate recovery program, including rules that do both of 41318
the following: 41319

(1) For the purpose of division (D) of this section and 41320
consistent with 42 U.S.C. 1396p(b)(1)(C), provide for reducing an 41321
adjustment or recovery in the case of a participant of the 41322

qualified state long-term care insurance partnership program; 41323

(2) For the purpose of division (E) of this section and 41324
consistent with the standards specified by the United States 41325
secretary of health and human services under 42 U.S.C. 41326
1396p(b)(3), establish procedures and criteria for waiving 41327
adjustment or recovery due to an undue hardship. 41328

Sec. 5111.112. The department of job and family services 41329
shall certify amounts due under the medicaid estate recovery 41330
program instituted under section 5111.11 of the Revised Code to 41331
the attorney general pursuant to section 131.02 of the Revised 41332
Code. The attorney general may enter into a contract with any 41333
person or government entity to collect the amounts due on behalf 41334
of the attorney general. 41335

The attorney general, in entering into a contract under this 41336
section, shall comply with all of the requirements that must be 41337
met for the state to receive federal financial participation for 41338
the costs incurred in entering into the contract and carrying out 41339
actions under the contract. The contract may provide for the 41340
person or government entity with which the attorney general 41341
contracts to be compensated from the property recovered under the 41342
medicaid estate recovery program or may provide for another manner 41343
of compensation agreed to by the parties to the contract. 41344

Regardless of whether the attorney general collects the 41345
amounts due under the medicaid estate recovery program or 41346
contracts with a person or government entity to collect the 41347
amounts due on behalf of the attorney general, the amounts due 41348
shall be collected in accordance with applicable requirements of 41349
federal statutes and regulations and state statutes and rules. 41350

Sec. 5111.113. (A) As used in this section: 41351

(1) "Adult care facility" has the same meaning as in section 41352

3722.01 of the Revised Code. 41353

(2) "Commissioner" means a person appointed by a probate 41354
court under division (B) of section 2113.03 of the Revised Code to 41355
act as a commissioner. 41356

(3) "Home" has the same meaning as in section 3721.10 of the 41357
Revised Code. 41358

(4) "Personal needs allowance account" means an account or 41359
petty cash fund that holds the money of a resident of an adult 41360
care facility or home and that the facility or home manages for 41361
the resident. 41362

(B) Except as provided in divisions (C) and (D) of this 41363
section, the owner or operator of an adult care facility or home 41364
shall transfer to the department of job and family services the 41365
money in the personal needs allowance account of a resident of the 41366
facility or home who was a recipient of the medical assistance 41367
program no earlier than sixty days but not later than ninety days 41368
after the resident dies. The adult care facility or home shall 41369
transfer the money even though the owner or operator of the 41370
facility or home has not been issued letters testamentary or 41371
letters of administration concerning the resident's estate. 41372

(C) If funeral or burial expenses for a resident of an adult 41373
care facility or home who has died have not been paid and the only 41374
resource the resident had that could be used to pay for the 41375
expenses is the money in the resident's personal needs allowance 41376
account, or all other resources of the resident are inadequate to 41377
pay the full cost of the expenses, the money in the resident's 41378
personal needs allowance account shall be used to pay for the 41379
expenses rather than being transferred to the department of job 41380
and family services pursuant to division (B) of this section. 41381

(D) If, not later than sixty days after a resident of an 41382
adult care facility or home dies, letters testamentary or letters 41383

of administration are issued, or an application for release from 41384
administration is filed under section 2113.03 of the Revised Code, 41385
concerning the resident's estate, the owner or operator of the 41386
facility or home shall transfer the money in the resident's 41387
personal needs allowance account to the administrator, executor, 41388
commissioner, or person who filed the application for release from 41389
administration. 41390

(E) The transfer or use of money in a resident's personal 41391
needs allowance account in accordance with division (B), (C), or 41392
(D) of this section discharges and releases the adult care 41393
facility or home, and the owner or operator of the facility or 41394
home, from any claim for the money from any source. 41395

(F) If, sixty-one or more days after a resident of an adult 41396
care facility or home dies, letters testamentary or letters of 41397
administration are issued, or an application for release from 41398
administration under section 2113.03 of the Revised Code is filed, 41399
concerning the resident's estate, the department of job and family 41400
services shall transfer the funds to the administrator, executor, 41401
commissioner, or person who filed the application, unless the 41402
department is entitled to recover the money under the medicaid 41403
estate recovery program instituted under section 5111.11 of the 41404
Revised Code. 41405

Sec. 5111.163. (A) As used in this section: 41406

(1) "Emergency services" has the same meaning as in section 41407
1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 41408
U.S.C. 1396u-2(b)(2), as amended. 41409

(2) "Medicaid managed care organization" has the same meaning 41410
as in section 5111.162 of the Revised Code. 41411

(3) "Provider" ~~has the same meaning as in section 5111.06 of~~ 41412
~~the Revised Code~~ means any person, institution, or entity that 41413

furnishes emergency services to a medicaid recipient enrolled in a 41414
medicaid managed care organization, regardless of whether the 41415
person, institution, or entity has a provider agreement with the 41416
department of job and family services pursuant to Title XIX of the 41417
"Social Security Act." 41418

(B) When a participant in the care management system 41419
established under section 5111.16 of the Revised Code is enrolled 41420
in a medicaid managed care organization and receives emergency 41421
services on or after January 1, 2007, from a provider that is not 41422
under contract with the organization, the provider shall accept 41423
from the organization, as payment in full, not more than the 41424
amounts (less any payments for indirect costs of medical education 41425
and direct costs of graduate medical education) that the provider 41426
could collect if the participant received medicaid other than 41427
through enrollment in a managed care organization. 41428

Sec. 5111.17. (A) The department of job and family services 41429
may enter into contracts with managed care organizations, 41430
including health insuring corporations, under which the 41431
organizations are authorized to provide, or arrange for the 41432
provision of, health care services to medical assistance 41433
recipients who are required or permitted to obtain health care 41434
services through managed care organizations as part of the care 41435
management system established under section 5111.16 of the Revised 41436
Code. 41437

~~(B) The department shall develop and implement a financial 41438
incentive program to improve and reward positive health outcomes 41439
through the managed care organization contracts entered into under 41440
this section. In developing and implementing the program, the 41441
department may take into consideration the recommendations 41442
regarding the program made by the medicaid care management working 41443
group created under section 5111.161 of the Revised Code (1) For 41444~~

purposes of making payments to health insuring corporations under 41445
contract pursuant to this section, the department shall develop, 41446
certify, and implement actuarially sound capitation rates, as 41447
defined in 42 C.F.R. 438.6. In taking these actions, the 41448
department shall comply with all applicable requirements of 42 41449
C.F.R. 438.6 and Title XIX of the "Social Security Act," 79 Stat. 41450
286 (1965), 42 U.S.C. 1396b(m), as amended. 41451

(2) Before the department may submit proposed capitation 41452
rates for approval by the United States centers for medicare and 41453
medicaid services, the department shall prepare a separate 41454
document that specifies the manner in which the rates conform to 41455
generally accepted actuarial principles and practices. When the 41456
proposed rates are submitted for approval, the department shall 41457
include the document as part of its submission of information to 41458
the centers for medicare and medicaid services. 41459

(3) The document prepared under division (B)(2) of this 41460
section shall include information on all of the following: 41461

(a) How the proposed rates are appropriate with respect to 41462
the individuals or groups of individuals who will be enrolled in 41463
the health insuring corporations; 41464

(b) How the proposed rates are appropriate for the services 41465
that will be covered by the health insuring corporations; 41466

(c) How the proposed rates are adequate to meet the 41467
administrative requirements of the health insuring corporations; 41468

(d) Any other matter the department considers to be relevant 41469
to the development of actuarially sound capitation rates. 41470

(4) In preparing the document required under division (B)(2) 41471
of this section, the department may consult with the 41472
superintendent of insurance. The department may ask the 41473
superintendent to assess whether the proposed rates, if 41474
implemented, would do any of the following: 41475

(a) Adversely affect a health insuring corporation in a manner that results in the need to prepare and submit an RBC plan in accordance with section 1753.33 of the Revised Code; 41476
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(b) Cause the superintendent, in the case of a health insuring corporation with a parent company, to take actions requiring the use of the parent company's guaranty established under division (A)(27) of section 1751.03 of the Revised Code as a condition of applying for a certificate of authority to establish and operate the health insuring corporation; 41479
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(c) Negatively impact, in general, the financial solvency of a health insuring corporation. 41485
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(C) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 41487
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Sec. 5111.172. (A) When contracting under section 5111.17 of the Revised Code with a managed care organization that is a health insuring corporation, the department of job and family services may require the health insuring corporation to provide coverage of prescription drugs for medicaid recipients enrolled in the health insuring corporation. In providing the required coverage, the health insuring corporation may, subject to the department's approval and the limitations provided under division (C) of this section, use strategies for the management of drug utilization. 41490
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(B) As used in this division, "controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 41499
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If a health insuring corporation is required under this section to provide coverage of prescription drugs, the department shall permit the health insuring corporation to develop and implement a pharmacy utilization management program under which prior authorization through the program is established as a 41501
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condition of obtaining a controlled substance pursuant to a 41506
prescription. The program may include processes for requiring 41507
medicaid recipients at high risk for fraud or abuse involving 41508
controlled substances to have their prescriptions for controlled 41509
substances filled by a pharmacy, medical provider, or health care 41510
facility designated by the program. 41511

(C) As used in this division, "mental health drug" has the 41512
same meaning as in section 5111.085 of the Revised Code. 41513

If a contract under section 5111.17 of the Revised Code 41514
requires a health insuring corporation to provide prescription 41515
drug coverage for medicaid recipients as described in division (A) 41516
of this section, the contract shall include terms under which the 41517
only mental health drugs that may be subjected to a prior 41518
authorization requirement, preferred drug list, or generic 41519
substitution requirement are mental health drugs that are brand 41520
name and for which there are generic equivalents. 41521

Sec. 5111.20. As used in sections 5111.20 to 5111.34 of the 41522
Revised Code: 41523

(A) "Allowable costs" are those costs determined by the 41524
department of job and family services to be reasonable and do not 41525
include fines paid under sections 5111.35 to 5111.61 and section 41526
5111.99 of the Revised Code. 41527

(B) "Ancillary and support costs" means all reasonable costs 41528
incurred by a nursing facility other than direct care costs or 41529
capital costs. "Ancillary and support costs" includes, but is not 41530
limited to, costs of activities, social services, pharmacy 41531
consultants, habilitation supervisors, qualified mental 41532
retardation professionals, program directors, medical and 41533
habilitation records, program supplies, incontinence supplies, 41534
food, enterals, dietary supplies and personnel, laundry, 41535
housekeeping, security, administration, medical equipment, 41536

utilities, liability insurance, bookkeeping, purchasing 41537
department, human resources, communications, travel, dues, license 41538
fees, subscriptions, home office costs not otherwise allocated, 41539
legal services, accounting services, minor equipment, maintenance 41540
and repairs, help-wanted advertising, informational advertising, 41541
start-up costs, organizational expenses, other interest, property 41542
insurance, employee training and staff development, employee 41543
benefits, payroll taxes, and workers' compensation premiums or 41544
costs for self-insurance claims and related costs as specified in 41545
rules adopted by the director of job and family services under 41546
section 5111.02 of the Revised Code, for personnel listed in this 41547
division. "Ancillary and support costs" also means the cost of 41548
equipment, including vehicles, acquired by operating lease 41549
executed before December 1, 1992, if the costs are reported as 41550
administrative and general costs on the facility's cost report for 41551
the cost reporting period ending December 31, 1992. 41552

(C) "Capital costs" means costs of ownership and, in the case 41553
of an intermediate care facility for the mentally retarded, costs 41554
of nonextensive renovation. 41555

(1) "Cost of ownership" means the actual expense incurred for 41556
all of the following: 41557

(a) Depreciation and interest on any capital assets that cost 41558
five hundred dollars or more per item, including the following: 41559

(i) Buildings; 41560

(ii) Building improvements that are not approved as 41561
nonextensive renovations under section 5111.251 of the Revised 41562
Code; 41563

(iii) Except as provided in division (B) of this section, 41564
equipment; 41565

(iv) In the case of an intermediate care facility for the 41566
mentally retarded, extensive renovations; 41567

(v) Transportation equipment.	41568
(b) Amortization and interest on land improvements and leasehold improvements;	41569 41570
(c) Amortization of financing costs;	41571
(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.	41572 41573
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.	41574 41575 41576
(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.	41577 41578 41579 41580
(D) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	41581 41582
(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.	41583 41584 41585 41586 41587
(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.	41588 41589 41590 41591 41592 41593 41594 41595 41596 41597

~~(1)~~ If nursing home beds licensed under Chapter 3721. of the Revised Code or residential facility beds licensed under section 5123.19 of the Revised Code were not required by law to be licensed when they were originally used to provide nursing home or residential facility services, "date of licensure" means the date the beds first were used to provide nursing home or residential facility services, regardless of the date the present provider obtained licensure.

~~(2)~~ If a facility adds nursing home beds or residential facility beds or extensively renovates all or part of the facility after its original date of licensure, it will have a different date of licensure for the additional beds or extensively renovated portion of the facility, unless the beds are added in a space that was constructed at the same time as the previously licensed beds but was not licensed under Chapter 3721. or section 5123.19 of the Revised Code at that time.

(2) The definition of "date of licensure" in this section applies in determinations of the medicaid reimbursement rate for a nursing facility or intermediate care facility for the mentally retarded but does not apply in determinations of the franchise permit fee for a nursing facility or intermediate care facility for the mentally retarded.

(G) "Desk-reviewed" means that costs as reported on a cost report submitted under section 5111.26 of the Revised Code have been subjected to a desk review under division (A) of section 5111.27 of the Revised Code and preliminarily determined to be allowable costs.

(H) "Direct care costs" means all of the following:

(1)(a) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the facility;

(b) Costs for direct care staff, administrative nursing

staff, medical directors, respiratory therapists, and except as	41629
provided in division (H)(2) of this section, other persons holding	41630
degrees qualifying them to provide therapy;	41631
(c) Costs of purchased nursing services;	41632
(d) Costs of quality assurance;	41633
(e) Costs of training and staff development, employee	41634
benefits, payroll taxes, and workers' compensation premiums or	41635
costs for self-insurance claims and related costs as specified in	41636
rules adopted by the director of job and family services in	41637
accordance with Chapter 119. of the Revised Code, for personnel	41638
listed in divisions (H)(1)(a), (b), and (d) of this section;	41639
(f) Costs of consulting and management fees related to direct	41640
care;	41641
(g) Allocated direct care home office costs.	41642
(2) In addition to the costs specified in division (H)(1) of	41643
this section, for nursing facilities only, direct care costs	41644
include costs of habilitation staff (other than habilitation	41645
supervisors), medical supplies, emergency oxygen, habilitation	41646
supplies, and universal precautions supplies.	41647
(3) In addition to the costs specified in division (H)(1) of	41648
this section, for intermediate care facilities for the mentally	41649
retarded only, direct care costs include both of the following:	41650
(a) Costs for physical therapists and physical therapy	41651
assistants, occupational therapists and occupational therapy	41652
assistants, speech therapists, audiologists, habilitation staff	41653
(including habilitation supervisors), qualified mental retardation	41654
professionals, program directors, social services staff,	41655
activities staff, <u>off-site day programming</u> , psychologists and	41656
psychology assistants, and social workers and counselors;	41657
(b) Costs of training and staff development, employee	41658

benefits, payroll taxes, and workers' compensation premiums or 41659
costs for self-insurance claims and related costs as specified in 41660
rules adopted under section 5111.02 of the Revised Code, for 41661
personnel listed in division (H)(3)(a) of this section. 41662

(4) Costs of other direct-care resources that are specified 41663
as direct care costs in rules adopted under section 5111.02 of the 41664
Revised Code. 41665

(I) "Fiscal year" means the fiscal year of this state, as 41666
specified in section 9.34 of the Revised Code. 41667

(J) "Franchise permit fee" means the following: 41668

(1) In the context of nursing facilities, the fee imposed by 41669
sections 3721.50 to 3721.58 of the Revised Code; 41670

(2) In the context of intermediate care facilities for the 41671
mentally retarded, the fee imposed by sections 5112.30 to 5112.39 41672
of the Revised Code. 41673

(K) "Indirect care costs" means all reasonable costs incurred 41674
by an intermediate care facility for the mentally retarded other 41675
than direct care costs, other protected costs, or capital costs. 41676
"Indirect care costs" includes but is not limited to costs of 41677
habilitation supplies, pharmacy consultants, medical and 41678
habilitation records, program supplies, incontinence supplies, 41679
food, enterals, dietary supplies and personnel, laundry, 41680
housekeeping, security, administration, liability insurance, 41681
bookkeeping, purchasing department, human resources, 41682
communications, travel, dues, license fees, subscriptions, home 41683
office costs not otherwise allocated, legal services, accounting 41684
services, minor equipment, maintenance and repairs, help-wanted 41685
advertising, informational advertising, start-up costs, 41686
organizational expenses, other interest, property insurance, 41687
employee training and staff development, employee benefits, 41688
payroll taxes, and workers' compensation premiums or costs for 41689

self-insurance claims and related costs as specified in rules 41690
adopted under section 5111.02 of the Revised Code, for personnel 41691
listed in this division. Notwithstanding division (C)(1) of this 41692
section, "indirect care costs" also means the cost of equipment, 41693
including vehicles, acquired by operating lease executed before 41694
December 1, 1992, if the costs are reported as administrative and 41695
general costs on the facility's cost report for the cost reporting 41696
period ending December 31, 1992. 41697

(L) "Inpatient days" means all days during which a resident, 41698
regardless of payment source, occupies a bed in a nursing facility 41699
or intermediate care facility for the mentally retarded that is 41700
included in the facility's certified capacity under Title XIX. 41701
Therapeutic or hospital leave days for which payment is made under 41702
section 5111.33 of the Revised Code are considered inpatient days 41703
proportionate to the percentage of the facility's per resident per 41704
day rate paid for those days. 41705

(M) "Intermediate care facility for the mentally retarded" 41706
means an intermediate care facility for the mentally retarded 41707
certified as in compliance with applicable standards for the 41708
medicaid program by the director of health in accordance with 41709
Title XIX. 41710

(N) "Maintenance and repair expenses" means, except as 41711
provided in division (BB)(2) of this section, expenditures that 41712
are necessary and proper to maintain an asset in a normally 41713
efficient working condition and that do not extend the useful life 41714
of the asset two years or more. "Maintenance and repair expenses" 41715
includes but is not limited to the cost of ordinary repairs such 41716
as painting and wallpapering. 41717

(O) "Medicaid days" means all days during which a resident 41718
who is a Medicaid recipient eligible for nursing facility services 41719
occupies a bed in a nursing facility that is included in the 41720
nursing facility's certified capacity under Title XIX. Therapeutic 41721

or hospital leave days for which payment is made under section 41722
5111.33 of the Revised Code are considered Medicaid days 41723
proportionate to the percentage of the nursing facility's per 41724
resident per day rate paid for those days. 41725

(P) "Nursing facility" means a facility, or a distinct part 41726
of a facility, that is certified as a nursing facility by the 41727
director of health in accordance with Title XIX and is not an 41728
intermediate care facility for the mentally retarded. "Nursing 41729
facility" includes a facility, or a distinct part of a facility, 41730
that is certified as a nursing facility by the director of health 41731
in accordance with Title XIX and is certified as a skilled nursing 41732
facility by the director in accordance with Title XVIII. 41733

(Q) "Operator" means the person or government entity 41734
responsible for the daily operating and management decisions for a 41735
nursing facility or intermediate care facility for the mentally 41736
retarded. 41737

(R) "Other protected costs" means costs incurred by an 41738
intermediate care facility for the mentally retarded for medical 41739
supplies; real estate, franchise, and property taxes; natural gas, 41740
fuel oil, water, electricity, sewage, and refuse and hazardous 41741
medical waste collection; allocated other protected home office 41742
costs; and any additional costs defined as other protected costs 41743
in rules adopted under section 5111.02 of the Revised Code. 41744

(S)(1) "Owner" means any person or government entity that has 41745
at least five per cent ownership or interest, either directly, 41746
indirectly, or in any combination, in any of the following 41747
regarding a nursing facility or intermediate care facility for the 41748
mentally retarded: 41749

(a) The land on which the facility is located; 41750

(b) The structure in which the facility is located; 41751

(c) Any mortgage, contract for deed, or other obligation 41752

secured in whole or in part by the land or structure on or in 41753
which the facility is located; 41754

(d) Any lease or sublease of the land or structure on or in 41755
which the facility is located. 41756

(2) "Owner" does not mean a holder of a debenture or bond 41757
related to the nursing facility or intermediate care facility for 41758
the mentally retarded and purchased at public issue or a regulated 41759
lender that has made a loan related to the facility unless the 41760
holder or lender operates the facility directly or through a 41761
subsidiary. 41762

(T) "Patient" includes "resident." 41763

(U) Except as provided in divisions (U)(1) and (2) of this 41764
section, "per diem" means a nursing facility's or intermediate 41765
care facility for the mentally retarded's actual, allowable costs 41766
in a given cost center in a cost reporting period, divided by the 41767
facility's inpatient days for that cost reporting period. 41768

(1) When calculating indirect care costs for the purpose of 41769
establishing rates under section 5111.241 of the Revised Code, 41770
"per diem" means an intermediate care facility for the mentally 41771
retarded's actual, allowable indirect care costs in a cost 41772
reporting period divided by the greater of the facility's 41773
inpatient days for that period or the number of inpatient days the 41774
facility would have had during that period if its occupancy rate 41775
had been eighty-five per cent. 41776

(2) When calculating capital costs for the purpose of 41777
establishing rates under section 5111.251 of the Revised Code, 41778
"per diem" means a facility's actual, allowable capital costs in a 41779
cost reporting period divided by the greater of the facility's 41780
inpatient days for that period or the number of inpatient days the 41781
facility would have had during that period if its occupancy rate 41782
had been ninety-five per cent. 41783

(V) "Provider" means an operator with a provider agreement.	41784
(W) "Provider agreement" means a contract between the	41785
department of job and family services and the operator of a	41786
nursing facility or intermediate care facility for the mentally	41787
retarded for the provision of nursing facility services or	41788
intermediate care facility services for the mentally retarded	41789
under the medicaid program.	41790
(X) "Purchased nursing services" means services that are	41791
provided in a nursing facility by registered nurses, licensed	41792
practical nurses, or nurse aides who are not employees of the	41793
facility.	41794
(Y) "Reasonable" means that a cost is an actual cost that is	41795
appropriate and helpful to develop and maintain the operation of	41796
patient care facilities and activities, including normal standby	41797
costs, and that does not exceed what a prudent buyer pays for a	41798
given item or services. Reasonable costs may vary from provider to	41799
provider and from time to time for the same provider.	41800
(Z) "Related party" means an individual or organization that,	41801
to a significant extent, has common ownership with, is associated	41802
or affiliated with, has control of, or is controlled by, the	41803
provider.	41804
(1) An individual who is a relative of an owner is a related	41805
party.	41806
(2) Common ownership exists when an individual or individuals	41807
possess significant ownership or equity in both the provider and	41808
the other organization. Significant ownership or equity exists	41809
when an individual or individuals possess five per cent ownership	41810
or equity in both the provider and a supplier. Significant	41811
ownership or equity is presumed to exist when an individual or	41812
individuals possess ten per cent ownership or equity in both the	41813
provider and another organization from which the provider	41814

purchases or leases real property. 41815

(3) Control exists when an individual or organization has the 41816
power, directly or indirectly, to significantly influence or 41817
direct the actions or policies of an organization. 41818

(4) An individual or organization that supplies goods or 41819
services to a provider shall not be considered a related party if 41820
all of the following conditions are met: 41821

(a) The supplier is a separate bona fide organization. 41822

(b) A substantial part of the supplier's business activity of 41823
the type carried on with the provider is transacted with others 41824
than the provider and there is an open, competitive market for the 41825
types of goods or services the supplier furnishes. 41826

(c) The types of goods or services are commonly obtained by 41827
other nursing facilities or intermediate care facilities for the 41828
mentally retarded from outside organizations and are not a basic 41829
element of patient care ordinarily furnished directly to patients 41830
by the facilities. 41831

(d) The charge to the provider is in line with the charge for 41832
the goods or services in the open market and no more than the 41833
charge made under comparable circumstances to others by the 41834
supplier. 41835

(AA) "Relative of owner" means an individual who is related 41836
to an owner of a nursing facility or intermediate care facility 41837
for the mentally retarded by one of the following relationships: 41838

(1) Spouse; 41839

(2) Natural parent, child, or sibling; 41840

(3) Adopted parent, child, or sibling; 41841

(4) Stepparent, stepchild, stepbrother, or stepsister; 41842

(5) Father-in-law, mother-in-law, son-in-law, 41843

daughter-in-law, brother-in-law, or sister-in-law;	41844
(6) Grandparent or grandchild;	41845
(7) Foster caregiver, foster child, foster brother, or foster sister.	41846 41847
(BB) "Renovation" and "extensive renovation" mean:	41848
(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.	41849 41850 41851 41852 41853
(2) In the case of betterments, improvements, and restorations of intermediate care facilities for the mentally retarded started on or after July 1, 1993:	41854 41855 41856
(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.	41857 41858 41859 41860 41861 41862 41863 41864 41865 41866 41867 41868 41869
(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.	41870 41871 41872 41873

For the purposes of division (BB)(2) of this section, the
cost of constructing a new bed shall be considered to be forty
thousand dollars, adjusted for the estimated rate of inflation
from January 1, 1993, to the end of the calendar year during which
the renovation is completed, using the consumer price index for
shelter costs for all urban consumers for the north central
region, as published by the United States bureau of labor
statistics.

The department of job and family services may treat a
renovation that costs more than eighty-five per cent of the cost
of constructing new beds as an extensive renovation if the
department determines that the renovation is more prudent than
construction of new beds.

(CC) "Title XIX" means Title XIX of the "Social Security
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended.

(DD) "Title XVIII" means Title XVIII of the "Social Security
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.

Sec. 5111.69. (A) In accordance with 42 C.F.R. 431.12, there
is hereby created the medical care advisory council. The council
shall advise the department of job and family services about
health and medical care services for purposes of the medicaid
program. The department shall grant the council the opportunity to
participate in medicaid policy development and program
administration.

(B) The council shall consist of the following members:

(1) Three individuals representing health professions,
including one or more individuals representing board-certified
physicians, who are familiar with the medical needs of low-income
population groups and with the resources available and required
for their care, one appointed by the president of the senate, one

appointed by the speaker of the house of representatives, and one 41904
appointed by the governor; 41905

(2) Two individuals representing consumers' groups, including 41906
medicaid recipients and consumer organizations such as labor 41907
unions, one appointed by the president of the senate and one 41908
appointed by the speaker of the house of representatives; 41909

(3) Three individuals representing health insuring 41910
corporations that have entered into contracts with the department 41911
pursuant to section 5111.17 of the Revised Code, one appointed by 41912
the president of the senate, one appointed by the speaker of the 41913
house of representatives, and one appointed by the governor; 41914

(4) Two individuals representing the business community, one 41915
appointed by the president of the senate and one appointed by the 41916
speaker of the house of representatives; 41917

(5) One individual representing county departments of job and 41918
family services, appointed by the governor. 41919

(C) The members of the council shall serve at the pleasure of 41920
their appointing authorities. Vacancies shall be filled in the 41921
manner provided for original appointments. 41922

(D) At its first meeting, the council shall organize by 41923
electing a chairperson from among its members and adopting bylaws 41924
for its operation. The bylaws shall include provisions specifying 41925
the length of the term a member may serve as chairperson. 41926

Sec. 5111.70. (A) As used in sections 5111.70 to 5111.7010 of 41927
the Revised Code: 41928

(1) "Applicant" means an individual who applies to 41929
participate in the medicaid buy-in for workers with disabilities 41930
program. 41931

(2) "Earned income" has the meaning established by rules 41932
adopted under section 5111.707 of the Revised Code. 41933

- (3) "Employed individual with a medically improved disability" has the same meaning as in 42 U.S.C. 1396d(v). 41934
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- (4) "Family" means an applicant or participant and the spouse and dependent children of the applicant or participant. If an applicant or participant is under eighteen years of age, "family" also means the parents of the applicant or participant. 41936
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- (5) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 41940
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- (6) "Income" means earned income and unearned income. 41942
- (7) "Participant" means an individual who has been determined eligible for the medicaid buy-in for workers with disabilities program and is participating in the program. 41943
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- (8) "Supplemental security income program" means the program established under Title XVI of the "Social Security Act," 86 Stat. 1329 (1972), 42 U.S.C. 1381, as amended. 41946
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- (9) "Medicaid buy-in for workers with disabilities program" means the component of the medicaid program established under sections 5111.70 to 5111.7010 of the Revised Code. 41949
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- (10) "Unearned income" has the meaning established by rules adopted under section 5111.707 of the Revised Code. 41952
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- (B) Not later than ninety days after the effective date of this section, 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 and any federal waiver necessary to establish the medicaid buy-in for workers with disabilities program in accordance with 42 U.S.C. 1396a(a)(10)(A)(ii)(XV) and (XVI) and sections 5111.70 to 5111.7010 of the Revised Code. The director shall implement sections 5111.701 to 5111.7010 of the Revised Code if the amendment and, if needed, federal waiver are approved. 41954
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<u>Sec. 5111.701. Under the medicaid buy-in for workers with</u>	41964
<u>disabilities program, an individual who does all of the following</u>	41965
<u>in accordance with rules adopted under section 5111.707 of the</u>	41966
<u>Revised Code qualifies for medical assistance under the medicaid</u>	41967
<u>program:</u>	41968
<u>(A) Applies for the medicaid buy-in for workers with</u>	41969
<u>disabilities program;</u>	41970
<u>(B) Provides satisfactory evidence of all of the following:</u>	41971
<u>(1) That the individual is at least sixteen years of age and</u>	41972
<u>under sixty-five years of age;</u>	41973
<u>(2) Except as provided in section 5111.706 of the Revised</u>	41974
<u>Code, that one of the following applies to the individual:</u>	41975
<u>(a) The individual is considered disabled for the purpose of</u>	41976
<u>the supplemental security income program, regardless of whether</u>	41977
<u>the individual receives supplemental security income benefits, and</u>	41978
<u>the individual has earnings from employment.</u>	41979
<u>(b) The individual is an employed individual with a medically</u>	41980
<u>improved disability.</u>	41981
<u>(3) That the value of the assets of the individual's family,</u>	41982
<u>less assets and asset value disregarded pursuant to rules adopted</u>	41983
<u>under section 5111.707 of the Revised Code, does not exceed the</u>	41984
<u>amount provided for by section 5111.702 of the Revised Code;</u>	41985
<u>(4) That the income of the individual's family, less amounts</u>	41986
<u>disregarded pursuant to section 5111.703 of the Revised Code, does</u>	41987
<u>not exceed two hundred fifty per cent of the federal poverty</u>	41988
<u>guidelines;</u>	41989
<u>(5) That the individual meets the additional eligibility</u>	41990
<u>requirements for the medicaid buy-in for workers with disabilities</u>	41991
<u>program that the director of job and family services establishes</u>	41992
<u>in rules adopted under section 5111.707 of the Revised Code.</u>	41993

(C) To the extent required by section 5111.704 of the Revised Code, pays the premium established under that section. 41994
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Sec. 5111.702. (A) Except as provided in division (B) of this section, the maximum value of assets, less assets and asset value disregarded pursuant to rules adopted under section 5111.707 of the Revised Code, that an individual's family may have without the individual exceeding the asset eligibility limit for the medicaid buy-in for workers with disabilities program shall not exceed ten thousand dollars. 41996
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(B) Each calendar year, the director of job and family services shall adjust the asset eligibility limit specified in division (A) of this section by the change in the consumer price index for all items for all urban consumers for the previous calendar year, as published by the United States bureau of labor statistics. The annual adjustment shall go into effect on the earliest date possible. 42003
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Sec. 5111.703. For the purpose of determining whether an individual is within the eligibility limit for the medicaid buy-in for workers with disabilities program, all of the following apply: 42010
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(A) The first twenty thousand dollars of the individual's earned income shall be disregarded. 42013
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(B) No amount that an employer of a member of the individual's family pays to obtain health insurance for one or more members of the family, including any amount of a premium established under section 5111.704 of the Revised Code that the employer pays, shall be treated as the income of the individual's family. 42015
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(C) All other amounts disregarded pursuant to rules adopted under section 5111.707 of the Revised Code shall be applied to the income of the individual's family. 42021
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Sec. 5111.704. (A) An individual whose family's income 42024
exceeds one hundred fifty per cent of the federal poverty 42025
guidelines shall pay an annual premium as a condition of 42026
qualifying for the medicaid buy-in for workers with disabilities 42027
program. The amount of the premium shall be determined as follows: 42028

(1) Subtract one hundred fifty per cent of the federal 42029
poverty guidelines, as applicable for a family size equal to the 42030
size of the individual's family, from the amount of the income of 42031
the individual's family; 42032

(2) Subtract any amount a member of the individual's family 42033
pays, whether by payroll deduction or otherwise, for other health 42034
insurance for one or more members of the family from the 42035
difference determined under division (A)(1) of this section; 42036

(3) Multiply the difference determined under division (A)(2) 42037
of this section by one tenth. 42038

(B) No amount that an employer of a member of an individual's 42039
family pays to obtain health insurance for one or more members of 42040
the individual's family, including any amount of a premium 42041
established under this section that the employer pays, shall be 42042
treated as the income of the individual's family for the purpose 42043
of this section. 42044

Sec. 5111.705. No individual shall be denied eligibility for 42045
the medicaid buy-in for workers with disabilities program on the 42046
basis that the individual receives services under a home and 42047
community-based services medicaid waiver component as defined in 42048
section 5111.851 of the Revised Code. 42049

Sec. 5111.706. An individual participating in the medicaid 42050
buy-in for workers with disabilities program may continue to 42051
participate in the program for up to six months even though the 42052

individual ceases to have earnings from employment or to be an 42053
employed individual with a medically improved disability due to 42054
ceasing to be employed if the individual continues to meet all 42055
other eligibility requirements for the program. 42056

Sec. 5111.707. The director of job and family services shall 42057
adopt rules in accordance with Chapter 119. of the Revised Code as 42058
necessary to implement the medicaid buy-in for workers with 42059
disabilities program. The rules shall do all of the following: 42060

(A) Specify assets, asset values, and amounts to be 42061
disregarded in determining asset and income eligibility limits for 42062
the program; 42063

(B) Establish meanings for the terms "earned income" and 42064
"unearned income"; 42065

(C) Establish additional eligibility requirements for the 42066
program that must be established for the United States secretary 42067
of health and human services to approve the program. 42068

Sec. 5111.708. (A) There is hereby created the medicaid 42069
buy-in advisory council. The council shall consist of the 42070
following members: 42071

(1) The executive director of assistive technology of Ohio or 42072
the executive director's designee; 42073

(2) The director of the axis center for public awareness of 42074
people with disabilities or the director's designee; 42075

(3) The executive director of the cerebral palsy association 42076
of Ohio or the executive director's designee; 42077

(4) The chief executive officer of Ohio advocates for mental 42078
health or the chief executive officer's designee; 42079

(5) The state director of the Ohio chapter of AARP or the 42080
state director's designee; 42081

<u>(6) The director of the Ohio developmental disabilities council created under section 5123.35 of the Revised Code or the director's designee;</u>	42082
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<u>(7) The executive director of the governor's council on people with disabilities created under section 3303.41 of the Revised Code or the executive director's designee;</u>	42085
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<u>(8) The administrator of the legal rights service created under section 5123.60 of the Revised Code or the administrator's designee;</u>	42088
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<u>(9) The chairperson of the Ohio Olmstead task force or the chairperson's designee;</u>	42091
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<u>(10) The executive director of the Ohio statewide independent living council or the executive director's designee;</u>	42093
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<u>(11) The president of the Ohio chapter of the national multiple sclerosis society or the president's designee;</u>	42095
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<u>(12) The executive director of the arc of Ohio or the executive director's designee;</u>	42097
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<u>(13) The executive director of the commission on minority health or the executive director's designee.</u>	42099
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<u>(B) All members of the medicaid buy-in advisory council shall serve without compensation or reimbursement, except as serving on the council is considered part of their usual job duties.</u>	42101
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<u>(C) The members of the medicaid buy-in advisory council shall elect one of the members of the council to serve as the council's chairperson for a two-year term. The chairperson may be re-elected to successive terms.</u>	42104
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<u>(D) The department of job and family services shall provide the Ohio medicaid buy-in advisory council with accommodations for the council to hold its meetings and shall provide the council with other administrative assistance the council needs to perform</u>	42108
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its duties. 42112

Sec. 5111.709. The director of job and family services or the 42113
director's designee shall consult with the medicaid buy-in 42114
advisory council before adopting, amending, or rescinding any 42115
rules under section 5111.707 of the Revised Code governing the 42116
medicaid buy-in for workers with disabilities program. 42117

The director or designee shall meet at least quarterly with 42118
the council to discuss the program. At the meetings, the council 42119
may provide the director or designee with suggestions for 42120
improving the program and the director or designee shall provide 42121
the council with all of the following information: 42122

(A) The number of individuals who participated in the program 42123
the previous calendar quarter; 42124

(B) The cost of the program the previous calendar quarter; 42125

(C) The amount of revenue generated the previous quarter by 42126
premiums that participants pay under section 5111.704 of the 42127
Revised Code; 42128

(D) The average amount of earned income of participants' 42129
families; 42130

(E) The average amount of time participants have participated 42131
in the program; 42132

(F) The types of other health insurance participants have 42133
been able to obtain. 42134

Sec. 5111.7010. Not less than once each year, the director of 42135
job and family services shall submit a report on the medicaid 42136
buy-in for workers with disabilities program to the governor, 42137
speaker and minority leader of the house of representatives, 42138
president and minority leader of the senate, and chairpersons of 42139
the house and senate committees to which the biennial operating 42140

budget bill is referred. The report shall include all of the 42141
following information: 42142

(A) The number of individuals who participated in the 42143
medicaid buy-in for workers with disabilities program; 42144

(B) The cost of the program; 42145

(C) The amount of revenue generated by premiums that 42146
participants pay under section 5111.704 of the Revised Code; 42147

(D) The average amount of earned income of participants' 42148
families; 42149

(E) The average amount of time participants have participated 42150
in the program; 42151

(F) The types of other health insurance participants have 42152
been able to obtain. 42153

Sec. 5111.71. (A) There is hereby created the health 42154
assistance for children with catastrophic illness council. The 42155
council shall consist of the following members: 42156

(1) The director of job and family services; 42157

(2) The director of health; 42158

(3) Three members of the senate, not more than two of whom 42159
are members of the same political party, appointed by the 42160
president of the senate; 42161

(4) Three members of the house of representatives, not more 42162
than two of whom are members of the same political party, 42163
appointed by the speaker of the house of representatives. 42164

(B) The president of the senate shall select one of the 42165
members of the council who is a member of the senate to serve as a 42166
co-chairperson of the council. The speaker shall select one of the 42167
members of the council who is a member of the house of 42168
representatives to serve as the other co-chairperson of the 42169

council. Members of the council shall serve without compensation 42170
or reimbursement of expenses, except to the extent that serving on 42171
the council is part of the council member's regular duties of 42172
employment. 42173

(C) The co-chairpersons shall call the council to its first 42174
meeting not later than October 1, 2007. The council shall study 42175
the feasibility, cost, and benefits of permitting individuals 42176
under nineteen years of age who have a catastrophic mental or 42177
physical illness or disability and family income exceeding three 42178
hundred per cent of the federal poverty guidelines to qualify for 42179
medicaid under a buy-in mechanism, to receive assistance (either 42180
through the medicaid program or a state-only funded program) in 42181
paying for the premiums for private health insurance, or a 42182
combination of both. The council shall include in its study the 42183
issue of who should qualify for assistance under such a buy-in 42184
mechanism, premium assistance program, or combination. 42185

(D) The council shall issue a report not later than December 42186
31, 2007. The council shall provide a copy of the report to the 42187
governor and general assembly and make the report available to the 42188
public. The council shall cease to exist on the date the report is 42189
issued. 42190

(E) The council's report shall include guidelines for the 42191
director of job and family services to follow in establishing a 42192
buy-in mechanism, premium assistance program, or combination. The 42193
guidelines shall include all of the following: 42194

(1) A requirement that coverage under the mechanism, program, 42195
or combination at least include individuals under nineteen years 42196
of age who have family income exceeding three hundred per cent of 42197
the federal poverty guidelines and have been unable to obtain 42198
private health insurance for at least one year due to the severity 42199
of a catastrophic mental or physical illness or disability; 42200

(2) A prohibition against establishing a numerical limit on the number of individuals who may participate in the mechanism, program, or combination; 42201
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(3) A requirement that the mechanism, program, or combination include cost-sharing provisions. 42204
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(F) The director of job and family service shall create a buy-in mechanism, premium assistance program, or combination in accordance with the guidelines included in the council's report. Not later than March 1, 2008, the director shall amend the state medicaid plan, seek a federal medicaid waiver, or both and adopt rules under Chapter 119. of the Revised Code as necessary to create the mechanism, program, or combination. The mechanism, program, or combination shall begin operation not later July 1, 2008. 42206
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Sec. 5111.84. The director of job and family services may not submit a request to the United States secretary of health and human services for a medicaid waiver under section 1115 of the "Social Security Act of 1935," 42 U.S.C. 1315, unless the director provides the speaker of the house of representatives and president of the senate written notice of the director's intent to submit the request at least ten days before the date the director submits the request to the United States secretary. The notice shall include a detailed explanation of the medicaid waiver the director proposes to seek. 42215
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Sec. 5111.851. (A) As used in sections 5111.851 to 5111.855 of the Revised Code: 42225
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"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of job and family services or, if a state agency or political subdivision contracts with the department under section 5111.91 of 42227
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the Revised Code to administer the component, that state agency or 42231
political subdivision. 42232

"Home and community-based services medicaid waiver component" 42233
means a medicaid waiver component under which home and 42234
community-based services are provided as an alternative to 42235
hospital, nursing facility, or intermediate care facility for the 42236
mentally retarded services. 42237

"Hospital" has the same meaning as in section 3727.01 of the 42238
Revised Code. 42239

"Intermediate care facility for the mentally retarded" has 42240
the same meaning as in section 5111.20 of the Revised Code. 42241

"Level of care determination" means a determination of 42242
whether an individual needs the level of care provided by a 42243
hospital, nursing facility, or intermediate care facility for the 42244
mentally retarded and whether the individual, if determined to 42245
need that level of care, would receive hospital, nursing facility, 42246
or intermediate care facility for the mentally retarded services 42247
if not for a home and community-based services medicaid waiver 42248
component. 42249

"Medicaid buy-in for workers with disabilities program" means 42250
the component of the medicaid program established under sections 42251
5111.70 to 5111.7010 of the Revised Code. 42252

"Nursing facility" has the same meaning as in section 5111.20 42253
of the Revised Code. 42254

"Skilled nursing facility" means a facility certified as a 42255
skilled nursing facility under Title XVIII of the "Social Security 42256
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 42257

(B) The following requirements apply to each home and 42258
community-based services medicaid waiver component: 42259

(1) Only an individual who qualifies for a component shall 42260

receive that component's services. 42261

(2) A level of care determination shall be made as part of 42262
the process of determining whether an individual qualifies for a 42263
component and shall be made each year after the initial 42264
determination if, during such a subsequent year, the 42265
administrative agency determines there is a reasonable indication 42266
that the individual's needs have changed. 42267

(3) A written plan of care or individual service plan based 42268
on an individual assessment of the services that an individual 42269
needs to avoid needing admission to a hospital, nursing facility, 42270
or intermediate care facility for the mentally retarded shall be 42271
created for each individual determined eligible for a component. 42272

(4) Each individual determined eligible for a component shall 42273
receive that component's services in accordance with the 42274
individual's level of care determination and written plan of care 42275
or individual service plan. 42276

(5) No individual may receive services under a component 42277
while the individual is a hospital inpatient or resident of a 42278
skilled nursing facility, nursing facility, or intermediate care 42279
facility for the mentally retarded. 42280

(6) No individual may receive prevocational, educational, or 42281
supported employment services under a component if the individual 42282
is eligible for such services that are funded with federal funds 42283
provided under 29 U.S.C. 730 or the "Individuals with Disabilities 42284
Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 42285

(7) Safeguards shall be taken to protect the health and 42286
welfare of individuals receiving services under a component, 42287
including safeguards established in rules adopted under section 42288
5111.85 of the Revised Code and safeguards established by 42289
licensing and certification requirements that are applicable to 42290
the providers of that component's services. 42291

(8) No services may be provided under a component by a 42292
provider that is subject to standards that 42 U.S.C. 1382e(e)(1) 42293
requires be established if the provider fails to comply with the 42294
standards applicable to the provider. 42295

(9) Individuals determined to be eligible for a component, or 42296
such individuals' representatives, shall be informed of that 42297
component's services, including any choices that the individual or 42298
representative may make regarding the component's services, and 42299
given the choice of either receiving services under that component 42300
or, as appropriate, hospital, nursing facility, or intermediate 42301
care facility for the mentally retarded services. 42302

(10) No individual shall lose eligibility for services under 42303
a component, or have the services reduced or otherwise disrupted, 42304
on the basis that the individual also receives services under the 42305
medicaid buy-in for workers with disabilities program. 42306

(11) No individual shall lose eligibility for services under 42307
a component, or have the services reduced or otherwise disrupted, 42308
on the basis that the individual's income or assets increase to an 42309
amount above the eligibility limit for the component if the 42310
individual is participating in the medicaid buy-in for workers 42311
with disabilities program and the amount of the individual's 42312
income or assets does not exceed the eligibility limit for the 42313
medicaid buy-in for workers with disabilities program. 42314

(12) No individual receiving services under a component shall 42315
be required to pay any cost sharing expenses for the services for 42316
any period during which the individual also participates in the 42317
medicaid buy-in for workers with disabilities program. 42318

Sec. 5111.871. The department of job and family services 42319
shall enter into a contract with the department of mental 42320
retardation and developmental disabilities under section 5111.91 42321
of the Revised Code with regard to one or more of the components 42322

of the medicaid program established by the department of job and 42323
family services under one or more of the medicaid waivers sought 42324
under section 5111.87 of the Revised Code. The contract shall 42325
provide for the department of mental retardation and developmental 42326
disabilities to administer the components in accordance with the 42327
terms of the waivers. The directors of job and family services and 42328
mental retardation and developmental disabilities shall adopt 42329
rules in accordance with Chapter 119. of the Revised Code 42330
governing the components. 42331

If the department of mental retardation and developmental 42332
disabilities or the department of job and family services denies 42333
an individual's application for home and community-based services 42334
provided under any of these medicaid components, the department 42335
that denied the services shall give timely notice to the 42336
individual that the individual may request a hearing under section 42337
5101.35 of the Revised Code. 42338

The departments of mental retardation and developmental 42339
disabilities and job and family services may approve, reduce, 42340
deny, or terminate a service included in the individualized 42341
service plan developed for a medicaid recipient eligible for home 42342
and community-based services provided under any of these medicaid 42343
components. The departments shall consider the recommendations a 42344
county board of mental retardation and developmental disabilities 42345
makes under division (A)(1)(c) of section 5126.055 of the Revised 42346
Code. If either department approves, reduces, denies, or 42347
terminates a service, that department shall give timely notice to 42348
the medicaid recipient that the recipient may request a hearing 42349
under section 5101.35 of the Revised Code. 42350

If supported living ~~or residential services~~, as defined in 42351
section 5126.01 of the Revised Code, ~~are~~ is to be provided as a 42352
service under any of these components, any person or government 42353
entity with a current, valid medicaid provider agreement and a 42354

current, valid ~~license under section 5123.19~~ or certificate under 42355
section ~~5123.16 or 5126.431~~ 5123.161 of the Revised Code may 42356
provide the ~~services~~ service. 42357

If a service is to be provided under any of these components 42358
by a residential facility, as defined in section 5123.19 of the 42359
Revised Code, any person or government entity with a current, 42360
valid medicaid provider agreement and a current, valid license 42361
under section 5123.19 of the Revised Code may provide the service. 42362

Sec. 5111.8814. An intermediate care facility for the 42363
mentally retarded that converts in whole to providing home and 42364
community-based services under the ICF/MR conversion pilot program 42365
shall either be licensed as a residential facility under section 42366
5123.19 of the Revised Code or certified to provide supported 42367
living under section ~~5126.431~~ 5123.161 of the Revised Code. If an 42368
intermediate care facility for the mentally retarded converts in 42369
part to providing such home and community-based services, the 42370
distinct part of the facility that provides the home and 42371
community-based services shall either be licensed as a residential 42372
facility under section 5123.19 of the Revised Code or certified to 42373
provide supported living under section ~~5126.431~~ 5123.161 of the 42374
Revised Code. The facility or distinct part of the facility shall 42375
be licensed as a residential facility rather than certified to 42376
provide supported living if it meets the definition of 42377
"residential facility" in section 5123.19 of the Revised Code. 42378

Sec. 5111.89. (A) As used in sections 5111.89 to ~~5111.893~~ 42379
5111.894 of the Revised Code: 42380

"Area agency on aging" has the same meaning as in section 42381
173.14 of the Revised Code. 42382

"Assisted living program" means the medicaid waiver component 42383
for which the director of job and family services is authorized by 42384

this section to request a medicaid waiver. 42385

"Assisted living services" means the following home and 42386
community-based services: personal care, homemaker, chore, 42387
attendant care, companion, medication oversight, and therapeutic 42388
social and recreational programming. 42389

"County or district home" means a county or district home 42390
operated under Chapter 5155. of the Revised Code. 42391

"Long-term care consultation program" means the program the 42392
department of aging is required to develop under section 173.42 of 42393
the Revised Code. 42394

"Long-term care consultation program administrator" or 42395
"administrator" means the department of aging or, if the 42396
department contracts with an area agency on aging or other entity 42397
to administer the long-term care consultation program for a 42398
particular area, that agency or entity. 42399

"Medicaid waiver component" has the same meaning as in 42400
section 5111.85 of the Revised Code. 42401

"Nursing facility" has the same meaning as in section 5111.20 42402
of the Revised Code. 42403

"Residential care facility" has the same meaning as in 42404
section 3721.01 of the Revised Code. 42405

(B) The director of job and family services may submit a 42406
request to the United States secretary of health and human 42407
services under 42 U.S.C. 1396n to obtain a waiver of federal 42408
medicaid requirements that would otherwise be violated in the 42409
creation and implementation of a program under which assisted 42410
living services are provided to not more than one thousand eight 42411
hundred individuals who meet the program's eligibility 42412
requirements established under section 5111.891 of the Revised 42413
Code. 42414

If the secretary approves the medicaid waiver requested under 42415
this section and the director of budget and management approves 42416
the contract, the department of job and family services shall 42417
enter into a contract with the department of aging under section 42418
5111.91 of the Revised Code that provides for the department of 42419
aging to administer the assisted living program. The contract 42420
shall include an estimate of the program's costs. 42421

The director of job and family services may adopt rules under 42422
section 5111.85 of the Revised Code regarding the assisted living 42423
program. The director of aging may adopt rules under Chapter 119. 42424
of the Revised Code regarding the program that the rules adopted 42425
by the director of job and family services authorize the director 42426
of aging to adopt. 42427

Sec. 5111.891. To be eligible for the assisted living 42428
program, an individual must meet all of the following 42429
requirements: 42430

(A) Need an intermediate level of care as determined under 42431
rule 5101:3-3-06 of the Administrative Code; 42432

(B) At the time the individual applies for the assisted 42433
living program, be one of the following: 42434

(1) A nursing facility resident who is seeking to move to a 42435
residential care facility and would remain in a nursing facility 42436
for long term care if not for the assisted living program; 42437

(2) A participant of any of the following medicaid waiver 42438
components who would move to a nursing facility if not for the 42439
assisted living program: 42440

(a) The PASSPORT program created under section 173.40 of the 42441
Revised Code; 42442

(b) The medicaid waiver component called the choices program 42443
that the department of aging administers; 42444

(c) A medicaid waiver component that the department of job and family services administers. 42445
42446

(3) A resident of a residential care facility who has resided in a residential care facility for at least six months immediately before the date the individual applies for the assisted living program. 42447
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(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: 42451
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(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; 42454
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(2) A county or district home licensed as a residential care facility. 42459
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(D) Meet all other eligibility requirements for the assisted living program established in rules adopted under section 5111.85 of the Revised Code. 42461
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Sec. 5111.894. When an area agency on aging determines that an individual who is eligible for the medicaid program and resides in the area that the area agency on aging serves has been admitted to a nursing facility, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides about the determination. The administrator shall determine whether the assisted living program is appropriate for the individual and whether the individual would rather participate in the assisted living program than continue residing in the nursing facility. If the administrator determines that the assisted living program is appropriate for the individual and the 42464
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individual would rather participate in the assisted living program 42475
than continue residing in the nursing facility, the administrator 42476
shall provide the individual or individual's representative 42477
information about how to apply for the assisted living program and 42478
whether there is a waiting list for the assisted living program. 42479

Sec. 5111.915. (A) The department of job and family services 42480
shall enter into an agreement with the department of 42481
administrative services for the department of administrative 42482
services to contract through competitive selection pursuant to 42483
section 125.07 of the Revised Code with a vendor to perform an 42484
assessment of the data collection and data warehouse functions of 42485
the medicaid data warehouse system, including the ability to link 42486
the data sets of all agencies serving medicaid recipients. 42487

The assessment of the data system shall include functions 42488
related to fraud and abuse detection, program management and 42489
budgeting, and performance measurement capabilities of all 42490
agencies serving medicaid recipients, including the departments of 42491
aging, alcohol and drug addiction services, health, job and family 42492
services, mental health, and mental retardation and developmental 42493
disabilities. 42494

The department of administrative services shall enter into 42495
this contract within thirty days after ~~the effective date of this~~ 42496
~~section~~ September 29, 2005. The contract shall require the vendor 42497
to complete the assessment within ninety days after ~~the effective~~ 42498
~~date of this section~~ September 29, 2005. 42499

A qualified vendor with whom the department of administrative 42500
services contracts to assess the data system shall also assist the 42501
medicaid agencies in the definition of the requirements for an 42502
enhanced data system or a new data system and assist the 42503
department of administrative services in the preparation of a 42504
request for proposal to enhance or develop a data system. 42505

(B) Based on the assessment performed pursuant to division 42506
(A) of this section, the ~~department of administrative services~~ 42507
office of information technology shall seek a qualified vendor 42508
through competitive selection pursuant to section 125.07 of the 42509
Revised Code to develop or enhance a data collection and data 42510
warehouse system for the department of job and family services and 42511
all agencies serving medicaid recipients. 42512

Within ninety days after ~~the effective date of this section~~ 42513
September 29, 2005, the department of job and family services 42514
shall seek enhanced federal funding for ninety per cent of the 42515
funds required to establish or enhance the data system. The 42516
~~department of administrative services~~ office of information 42517
technology shall not award a contract for establishing or 42518
enhancing the data system until the department of job and family 42519
services receives approval from the secretary of the United States 42520
department of health and human services for the ninety per cent 42521
federal match. 42522

Sec. 5112.341. (A) In addition to assessing a penalty 42523
pursuant to section 5112.34 of the Revised Code, the department of 42524
job and family services may do either or both of the following if 42525
an intermediate care facility for the mentally retarded fails to 42526
pay the full amount of a franchise permit fee installment when 42527
due: 42528

(1) ~~Withhold~~ Offset an amount less than or equal to the 42529
installment and penalty assessed under section 5112.34 of the 42530
Revised Code from a medicaid payment due the facility ~~until the~~ 42531
~~facility pays the installment and penalty;~~ 42532

(2) Terminate the facility's medicaid provider agreement. 42533

(B) The department may ~~withhold~~ offset a medicaid payment 42534
under division (A)(1) of this section without providing notice to 42535
the intermediate care facility for the mentally retarded and 42536

without conducting an adjudication under Chapter 119. of the 42537
Revised Code. 42538

Sec. 5115.12. (A) The director of job and family services 42539
shall adopt rules in accordance with section 111.15 of the Revised 42540
Code governing the disability medical assistance program. The 42541
rules may establish or specify any or all of the following: 42542

(1) Income, resource, citizenship, age, residence, living 42543
arrangement, and other eligibility requirements; 42544

(2) Health services to be included in the program; 42545

(3) The maximum authorized amount, scope, duration, or limit 42546
of payment for services; 42547

(4) Limits on the length of time an individual may receive 42548
disability medical assistance; 42549

(5) Limits on the total number of individuals in the state 42550
who may receive disability medical assistance; 42551

(6) Limits on the number and types of providers eligible to 42552
be reimbursed for services provided to individuals enrolled in the 42553
program. 42554

(B) For purposes of limiting the cost of the disability 42555
medical assistance program, the director may do either of the 42556
following: 42557

(1) Adopt rules in accordance with section 111.15 of the 42558
Revised Code that revise the program's eligibility requirements; 42559
the maximum authorized amount, scope, duration, or limit of 42560
payment for services included in the program; or any other 42561
requirement or standard established or specified by rules adopted 42562
under division (A) of this section or under section 5115.10 of the 42563
Revised Code; 42564

(2) Suspend acceptance of applications for disability medical 42565

assistance. While a suspension is in effect, no person shall 42566
receive a determination or redetermination of eligibility for 42567
disability medical assistance unless the person was receiving the 42568
assistance during the month immediately preceding the suspension's 42569
effective date or the person submitted an application prior to the 42570
suspension's effective date and receives a determination of 42571
eligibility based on that application. The director may adopt 42572
rules in accordance with section 111.15 of the Revised Code 42573
establishing requirements and specifying procedures applicable to 42574
the suspension of acceptance of applications. 42575

Sec. 5119.611. (A) A community mental health agency that 42576
seeks certification of its community mental health services shall 42577
submit an application to the director of mental health. On receipt 42578
of the application, the director may visit and shall evaluate the 42579
agency to determine whether its services satisfy the standards 42580
established by rules adopted under division ~~(D)~~(C) of this 42581
section. The director shall make the evaluation, and, if the 42582
director visits the agency, shall make the visit, in cooperation 42583
with the board of alcohol, drug addiction, and mental health 42584
services with which the agency seeks to contract under division 42585
(A)(8)(a) of section 340.03 of the Revised Code. 42586

~~Subject to divisions (B) and (C) of this section~~ If the 42587
director determines that a community mental health agency's 42588
services satisfy the standards and the agency has paid the fee 42589
required under division (B) of this section, the director shall 42590
certify ~~a community mental health agency's~~ the services that 42591
~~the director determines satisfy the standards.~~ 42592

If the director determines that a community mental health 42593
agency's services do not satisfy the standards, the director shall 42594
identify the areas of noncompliance, specify what action is 42595
necessary to satisfy the standards, and offer technical assistance 42596

to the board of alcohol, drug addiction, and mental health 42597
services so that the board may assist the agency in satisfying the 42598
standards. The director shall give the agency a reasonable time 42599
within which to demonstrate that its services satisfy the 42600
standards or to bring the services into compliance with the 42601
standards. If the director concludes that the services continue to 42602
fail to satisfy the standards, the director may request that the 42603
board reallocate the funds for the community mental health 42604
services the agency was to provide to another community mental 42605
health agency whose community mental health services satisfy the 42606
standards. If the board does not reallocate those funds in a 42607
reasonable period of time, the director may withhold state and 42608
federal funds for the community mental health services and 42609
allocate those funds directly to a community mental health agency 42610
whose community mental health services satisfy the standards. 42611

(B) Each community mental health agency seeking certification 42612
of its community mental health services under this section shall 42613
pay a fee for the certification review required by this section. 42614
Fees shall be paid into the sale of goods and services fund 42615
created pursuant to section 5119.161 of the Revised Code. 42616

~~(C) The director may certify a community mental health 42617
service only if the service is for individuals whose focus of 42618
treatment is a mental disorder according to the edition of the 42619
American psychiatric association's diagnostic and statistical 42620
manual of mental disorders that is current at the time the 42621
director issues the certification, including such services for 42622
individuals who have a mental disorder and a co-occurring 42623
substance use disorder, substance induced disorder, chronic 42624
dementing organic mental disorder, mental retardation, or 42625
developmental disability. The director may not certify a service 42626
that is for individuals whose focus of treatment is solely a 42627
substance use disorder, substance induced disorder, chronic 42628~~

~~dementing organic mental disorder, mental retardation, or
developmental disability.~~ 42629
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~~(D)~~ The director shall adopt rules in accordance with Chapter 42631
119. of the Revised Code to implement this section. The rules 42632
shall do all of the following: 42633

(1) Establish certification standards for community mental 42634
health services, including assertive community treatment and 42635
intensive home-based mental health services, that are consistent 42636
with nationally recognized applicable standards and facilitate 42637
participation in federal assistance programs. The rules shall 42638
include as certification standards only requirements that improve 42639
the quality of services or the health and safety of clients of 42640
community mental health services. The standards shall address at a 42641
minimum all of the following: 42642

(a) Reporting major unusual incidents to the director; 42643

(b) Procedures for applicants for and clients of community 42644
mental health services to file grievances and complaints; 42645

(c) Seclusion; 42646

(d) Restraint; 42647

(e) Development of written policies addressing the rights of 42648
clients, including all of the following: 42649

(i) The right to a copy of the written policies addressing 42650
client rights; 42651

(ii) The right at all times to be treated with consideration 42652
and respect for the client's privacy and dignity; 42653

(iii) The right to have access to the client's own 42654
psychiatric, medical, or other treatment records unless access is 42655
specifically restricted in the client's treatment plan for clear 42656
treatment reasons; 42657

(iv) The right to have a client rights officer provided by 42658

the agency or board of alcohol, drug addiction, and mental health 42659
services advise the client of the client's rights, including the 42660
client's rights under Chapter 5122. of the Revised Code if the 42661
client is committed to the agency or board. 42662

(2) Establish standards for qualifications of mental health 42663
professionals as defined in section 340.02 of the Revised Code and 42664
personnel who provide the community mental health services; 42665

(3) Establish the process for certification of community 42666
mental health services; 42667

(4) Set the amount of certification review fees based on a 42668
portion of the cost of performing the review; 42669

(5) Specify the type of notice and hearing to be provided 42670
prior to a decision on whether to reallocate funds. 42671

Sec. 5123.01. As used in this chapter: 42672

(A) "Chief medical officer" means the licensed physician 42673
appointed by the managing officer of an institution for the 42674
mentally retarded with the approval of the director of mental 42675
retardation and developmental disabilities to provide medical 42676
treatment for residents of the institution. 42677

(B) "Chief program director" means a person with special 42678
training and experience in the diagnosis and management of the 42679
mentally retarded, certified according to division (C) of this 42680
section in at least one of the designated fields, and appointed by 42681
the managing officer of an institution for the mentally retarded 42682
with the approval of the director to provide habilitation and care 42683
for residents of the institution. 42684

(C) "Comprehensive evaluation" means a study, including a 42685
sequence of observations and examinations, of a person leading to 42686
conclusions and recommendations formulated jointly, with 42687
dissenting opinions if any, by a group of persons with special 42688

training and experience in the diagnosis and management of persons 42689
with mental retardation or a developmental disability, which group 42690
shall include individuals who are professionally qualified in the 42691
fields of medicine, psychology, and social work, together with 42692
such other specialists as the individual case may require. 42693

(D) "Education" means the process of formal training and 42694
instruction to facilitate the intellectual and emotional 42695
development of residents. 42696

(E) "Habilitation" means the process by which the staff of 42697
the institution assists the resident in acquiring and maintaining 42698
those life skills that enable the resident to cope more 42699
effectively with the demands of the resident's own person and of 42700
the resident's environment and in raising the level of the 42701
resident's physical, mental, social, and vocational efficiency. 42702
Habilitation includes but is not limited to programs of formal, 42703
structured education and training. 42704

(F) "Health officer" means any public health physician, 42705
public health nurse, or other person authorized or designated by a 42706
city or general health district. 42707

(G) "Home and community-based services" means medicaid-funded 42708
home and community-based services specified in division (B)(1) of 42709
section 5111.87 of the Revised Code provided under the medicaid 42710
waiver components the department of mental retardation and 42711
developmental disabilities administers pursuant to section 42712
5111.871 of the Revised Code. 42713

(H) "Indigent person" means a person who is unable, without 42714
substantial financial hardship, to provide for the payment of an 42715
attorney and for other necessary expenses of legal representation, 42716
including expert testimony. 42717

(I) "Institution" means a public or private facility, or a 42718
part of a public or private facility, that is licensed by the 42719

appropriate state department and is equipped to provide 42720
residential habilitation, care, and treatment for the mentally 42721
retarded. 42722

(J) "Licensed physician" means a person who holds a valid 42723
certificate issued under Chapter 4731. of the Revised Code 42724
authorizing the person to practice medicine and surgery or 42725
osteopathic medicine and surgery, or a medical officer of the 42726
government of the United States while in the performance of the 42727
officer's official duties. 42728

(K) "Managing officer" means a person who is appointed by the 42729
director of mental retardation and developmental disabilities to 42730
be in executive control of an institution for the mentally 42731
retarded under the jurisdiction of the department. 42732

(L) "Medicaid" has the same meaning as in section 5111.01 of 42733
the Revised Code. 42734

(M) "Medicaid case management services" means case management 42735
services provided to an individual with mental retardation or 42736
other developmental disability that the state medicaid plan 42737
requires. 42738

(N) "Mentally retarded person" means a person having 42739
significantly subaverage general intellectual functioning existing 42740
concurrently with deficiencies in adaptive behavior, manifested 42741
during the developmental period. 42742

(O) "Mentally retarded person subject to institutionalization 42743
by court order" means a person eighteen years of age or older who 42744
is at least moderately mentally retarded and in relation to whom, 42745
because of the person's retardation, either of the following 42746
conditions exist: 42747

(1) The person represents a very substantial risk of physical 42748
impairment or injury to self as manifested by evidence that the 42749
person is unable to provide for and is not providing for the 42750

person's most basic physical needs and that provision for those 42751
needs is not available in the community; 42752

(2) The person needs and is susceptible to significant 42753
habilitation in an institution. 42754

(P) "A person who is at least moderately mentally retarded" 42755
means a person who is found, following a comprehensive evaluation, 42756
to be impaired in adaptive behavior to a moderate degree and to be 42757
functioning at the moderate level of intellectual functioning in 42758
accordance with standard measurements as recorded in the most 42759
current revision of the manual of terminology and classification 42760
in mental retardation published by the American association on 42761
mental retardation. 42762

(Q) As used in this division, "substantial functional 42763
limitation," "developmental delay," and "established risk" have 42764
the meanings established pursuant to section 5123.011 of the 42765
Revised Code. 42766

"Developmental disability" means a severe, chronic disability 42767
that is characterized by all of the following: 42768

(1) It is attributable to a mental or physical impairment or 42769
a combination of mental and physical impairments, other than a 42770
mental or physical impairment solely caused by mental illness as 42771
defined in division (A) of section 5122.01 of the Revised Code. 42772

(2) It is manifested before age twenty-two. 42773

(3) It is likely to continue indefinitely. 42774

(4) It results in one of the following: 42775

(a) In the case of a person under three years of age, at 42776
least one developmental delay or an established risk; 42777

(b) In the case of a person at least three years of age but 42778
under six years of age, at least two developmental delays or an 42779
established risk; 42780

(c) In the case of a person six years of age or older, a
substantial functional limitation in at least three of the
following areas of major life activity, as appropriate for the
person's age: self-care, receptive and expressive language,
learning, mobility, self-direction, capacity for independent
living, and, if the person is at least sixteen years of age,
capacity for economic self-sufficiency.

(5) It causes the person to need a combination and sequence
of special, interdisciplinary, or other type of care, treatment,
or provision of services for an extended period of time that is
individually planned and coordinated for the person.

(R) "Developmentally disabled person" means a person with a
developmental disability.

(S) "State institution" means an institution that is
tax-supported and under the jurisdiction of the department.

(T) "Residence" and "legal residence" have the same meaning
as "legal settlement," which is acquired by residing in Ohio for a
period of one year without receiving general assistance prior to
July 17, 1995, under former Chapter 5113. of the Revised Code,
financial assistance under Chapter 5115. of the Revised Code, or
assistance from a private agency that maintains records of
assistance given. A person having a legal settlement in the state
shall be considered as having legal settlement in the assistance
area in which the person resides. No adult person coming into this
state and having a spouse or minor children residing in another
state shall obtain a legal settlement in this state as long as the
spouse or minor children are receiving public assistance, care, or
support at the expense of the other state or its subdivisions. For
the purpose of determining the legal settlement of a person who is
living in a public or private institution or in a home subject to
licensing by the department of job and family services, the
department of mental health, or the department of mental

retardation and developmental disabilities, the residence of the 42813
person shall be considered as though the person were residing in 42814
the county in which the person was living prior to the person's 42815
entrance into the institution or home. Settlement once acquired 42816
shall continue until a person has been continuously absent from 42817
Ohio for a period of one year or has acquired a legal residence in 42818
another state. A woman who marries a man with legal settlement in 42819
any county immediately acquires the settlement of her husband. The 42820
legal settlement of a minor is that of the parents, surviving 42821
parent, sole parent, parent who is designated the residential 42822
parent and legal custodian by a court, other adult having 42823
permanent custody awarded by a court, or guardian of the person of 42824
the minor, provided that: 42825

(1) A minor female who marries shall be considered to have 42826
the legal settlement of her husband and, in the case of death of 42827
her husband or divorce, she shall not thereby lose her legal 42828
settlement obtained by the marriage. 42829

(2) A minor male who marries, establishes a home, and who has 42830
resided in this state for one year without receiving general 42831
assistance prior to July 17, 1995, under former Chapter 5113. of 42832
the Revised Code, financial assistance under Chapter 5115. of the 42833
Revised Code, or assistance from a private agency that maintains 42834
records of assistance given shall be considered to have obtained a 42835
legal settlement in this state. 42836

(3) The legal settlement of a child under eighteen years of 42837
age who is in the care or custody of a public or private child 42838
caring agency shall not change if the legal settlement of the 42839
parent changes until after the child has been in the home of the 42840
parent for a period of one year. 42841

No person, adult or minor, may establish a legal settlement 42842
in this state for the purpose of gaining admission to any state 42843
institution. 42844

(U)(1) "Resident" means, subject to division (R)(2) of this section, a person who is admitted either voluntarily or involuntarily to an institution or other facility pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter who is under observation or receiving habilitation and care in an institution.

(2) "Resident" does not include a person admitted to an institution or other facility under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to resident, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(V) "Respondent" means the person whose detention, commitment, or continued commitment is being sought in any proceeding under this chapter.

(W) "Working day" and "court day" mean Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a legal holiday.

(X) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(Y) "Court" means the probate division of the court of common pleas.

(Z) "Supported living" has the same meaning as in section 5126.01 of the Revised Code.

Sec. 5123.033. The program fee fund is hereby created in the 42875
state treasury. All fees collected pursuant to sections 5123.161, 42876
5123.164, 5123.19, and 5126.25 of the Revised Code shall be 42877
credited to the fund. Money credited to the fund shall be used 42878
solely for the department of mental retardation and developmental 42879
disabilities' duties under sections 5123.16 to 5123.169, 5123.19, 42880
and 5126.25 of the Revised Code and to provide continuing 42881
education and professional training to employees of county boards 42882
of mental retardation and developmental disabilities for the 42883
purpose of section 5126.25 of the Revised Code and other providers 42884
of services to individuals with mental retardation or a 42885
developmental disability. If the money credited to the fund is 42886
inadequate to pay all of the department's costs in performing 42887
those duties and providing the continuing education and 42888
professional training, the department may use other available 42889
funds appropriated to the department to pay the remaining costs of 42890
performing those duties and providing the continuing education and 42891
professional training. 42892

Sec. 5123.043. (A) The director of mental retardation and 42893
developmental disabilities shall adopt rules establishing 42894
procedures for administrative resolution of complaints filed under 42895
division (B) of this section and section 5126.06 of the Revised 42896
Code. The rules shall be adopted in accordance with Chapter 119. 42897
of the Revised Code. 42898

(B) Except as provided in division (C) of this section, any 42899
person or county board of mental retardation and developmental 42900
disabilities that has a complaint involving any of the programs, 42901
services, policies, or administrative practices of the department 42902
of mental retardation and developmental disabilities or any of the 42903
entities under contract with the department, may file a complaint 42904
with the department. Prior to commencing a civil action regarding 42905

the complaint, a person or county board shall attempt to have the 42906
complaint resolved through the administrative resolution process 42907
established in the rules adopted under this section. After 42908
exhausting the administrative resolution process, the person or 42909
county board may commence a civil action if the complaint is not 42910
settled to the person's or county board's satisfaction. 42911

(C) An employee of the department may not file under this 42912
section a complaint related to the terms and conditions of 42913
employment for the employee. 42914

~~(D) This section does not apply to a conflict between a 42915
county board of mental retardation and developmental disabilities 42916
and a person or government entity that provides or seeks to 42917
provide services to an individual with mental retardation or other 42918
developmental disability. Section 5126.036 of the Revised Code 42919
applies to such a conflict. 42920~~

Sec. 5123.045. No person or government entity shall receive 42921
payment for providing home and community-based services unless the 42922
person or government entity is one of the following: 42923

(A) Certified under section ~~5123.16~~ 5123.161 of the Revised 42924
Code; 42925

(B) Licensed as a residential facility under section 5123.19 42926
of the Revised Code. 42927

Sec. 5123.047. ~~(A) The department of mental retardation and 42928
developmental disabilities shall pay the nonfederal share of 42929
medicaid expenditures for medicaid case management services if the 42930
services are provided to an individual with mental retardation or 42931
other developmental disability who a county board of mental 42932
retardation and developmental disabilities has determined under 42933
section 5126.041 of the Revised Code is not eligible for county 42934
board services. 42935~~

~~(B) The department shall pay the nonfederal share of medicaid expenditures for and home and community-based services if any of the following apply:~~ 42936
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~~(1) The services are provided to an individual with mental retardation or other developmental disability who a county board has determined under section 5126.041 of the Revised Code is not eligible for county board services:~~ 42939
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~~(2) The services are provided to an individual with mental retardation or other developmental disability given priority for the services pursuant to division (D)(3) of section 5126.042 of the Revised Code. The department shall pay the nonfederal share of medicaid expenditures for home and community based services provided to such an individual for as long as the individual continues to be eligible for and receive the services, regardless of whether the services are provided after June 30, 2003.~~ 42943
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~~(3) An agreement entered into under section 5123.048 of the Revised Code requires that the department pay the nonfederal share of medicaid expenditures for the services for which no county board of mental retardation and developmental disabilities is required by section 5126.059 or 5126.0510 of the Revised Code to pay.~~ 42951
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Sec. 5123.048. The director of mental retardation and developmental disabilities may enter into an agreement with a county board of mental retardation and developmental disabilities under which the department of mental retardation and developmental disabilities is to pay the nonfederal share of medicaid expenditures for one or more of the home and community-based services ~~provided to individuals with mental retardation or other developmental disability residing in the county served by that~~ the county board would, if not for the agreement, be required by section 5126.0510 of the Revised Code to pay. The agreement shall 42957
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specify which home and community-based services the agreement 42967
covers. The department shall pay the nonfederal share of medicaid 42968
expenditures for the home and community-based services that the 42969
agreement covers as long as the agreement is in effect. 42970

Sec. 5123.049. The director of mental retardation and 42971
developmental disabilities shall adopt rules in accordance with 42972
Chapter 119. of the Revised Code governing the authorization and 42973
payment of home and community-based services and medicaid case 42974
management services. The rules shall provide for private providers 42975
of the services to receive one hundred per cent of the medicaid 42976
allowable payment amount and for government providers of the 42977
services to receive the federal share of the medicaid allowable 42978
payment, less the amount withheld as a fee under section 5123.0412 42979
of the Revised Code and any amount that may be required by rules 42980
adopted under section 5123.0413 of the Revised Code to be 42981
deposited into the state MR/DD risk fund. The rules shall 42982
establish the process by which county boards of mental retardation 42983
and developmental disabilities shall certify and provide the 42984
nonfederal share of medicaid expenditures that the county board is 42985
required by ~~division (A) of section 5126.057~~ sections 5126.059 and 42986
5126.0510 of the Revised Code to pay. The process shall require a 42987
county board to certify that the county board has funding 42988
available at one time for two months costs for those expenditures. 42989
The process may permit a county board to certify that the county 42990
board has funding available at one time for more than two months 42991
costs for those expenditures. 42992

Sec. 5123.0411. The department of mental retardation and 42993
developmental disabilities may bring a mandamus action against a 42994
county board of mental retardation and developmental disabilities 42995
that fails to pay the nonfederal share of medicaid expenditures 42996
that the county board is required by ~~division (A) of section~~ 42997

~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to 42998
pay. The department may bring the mandamus action in the court of 42999
common pleas of the county served by the county board or in the 43000
Franklin county court of common pleas. 43001

Sec. 5123.0414. (A) When the director of mental retardation 43002
and developmental disabilities, under section 119.07 of the 43003
Revised Code, sends a party a notice by registered mail, return 43004
receipt requested, that the director intends to take action 43005
against the party authorized by section 5123.082, 5123.166, 43006
5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised 43007
Code and the notice is returned to the director with an 43008
endorsement indicating that the notice was refused or unclaimed, 43009
the director shall resend the notice by ordinary mail to the 43010
party. 43011

(B) If the original notice was refused, the notice shall be 43012
deemed received as of the date the director resends the notice. 43013

(C) If the original notice was unclaimed, the notice shall be 43014
deemed received as of the date the director resends the notice 43015
unless, not later than thirty days after the date the director 43016
sent the original notice, the resent notice is returned to the 43017
director for failure of delivery. 43018

If the notice concerns taking action under section 5123.51 of 43019
the Revised Code and the resent notice is returned to the director 43020
for failure of delivery not later than thirty days after the date 43021
the director sent the original notice, the director shall cause 43022
the notice to be published in a newspaper of general circulation 43023
in the county of the party's last known residence or business and 43024
shall mail a dated copy of the published notice to the party at 43025
the last known address. The notice shall be deemed received as of 43026
the date of the publication. 43027

If the notice concerns taking action under section 5123.082, 43028

5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised Code and the resent notice is returned to the director for failure of delivery not later than thirty days after the date the director sent the original notice, the director shall resend the notice to the party a second time. The notice shall be deemed received as of the date the director resends the notice the second time. 43029
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Sec. 5123.0415. As used in this section, "license" means a license, certificate, or evidence of registration. 43035
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Each person and government entity that applies for or holds a valid license issued under section 5123.082, 5123.161, 5123.19, 5123.45, 5126.25, or 5126.252 of the Revised Code shall notify the director of mental retardation and developmental disabilities of any change in the person or government entity's address. 43037
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Sec. 5123.0416. (A) Subject to the availability of funds appropriated to the department of mental retardation and developmental disabilities for medicaid waiver state match, the department shall expend, in fiscal year 2009 and each fiscal year thereafter, not less than the amount appropriated in appropriation item 322-416, medicaid waiver - state match, in fiscal year 2008 to do both of the following: 43042
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(1) Pay the nonfederal share of medicaid expenditures for home and community-based services that section 5123.047 of the Revised Code requires the department to pay; 43049
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(2) Assist county boards of mental retardation and developmental disabilities in paying the nonfederal share of medicaid expenditures for home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. 43052
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(B) The department may make the expenditures required by division (A)(2) of this section in the form of allocations to 43057
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county boards or by other means. If the department makes the 43059
expenditures in the form of allocations, the process for making 43060
the allocations shall conform to a process the department shall 43061
establish after consulting with representatives of county boards. 43062

Sec. 5123.051. (A) If the department of mental retardation 43063
and developmental disabilities determines pursuant to an audit 43064
conducted under section 5123.05 of the Revised Code or a 43065
reconciliation conducted under section 5123.18 ~~or 5123.199~~ of the 43066
Revised Code that money is owed the state by a provider of a 43067
service or program, the department may enter into a payment 43068
agreement with the provider. The agreement shall include the 43069
following: 43070

(1) A schedule of installment payments whereby the money owed 43071
the state is to be paid in full within a period not to exceed one 43072
year; 43073

(2) A provision that the provider may pay the entire balance 43074
owed at any time during the term of the agreement; 43075

(3) A provision that if any installment is not paid in full 43076
within forty-five days after it is due, the entire balance owed is 43077
immediately due and payable; 43078

(4) Any other terms and conditions that are agreed to by the 43079
department and the provider. 43080

(B) The department may include a provision in a payment 43081
agreement that requires the provider to pay interest on the money 43082
owed the state. The department, in its discretion, shall determine 43083
whether to require the payment of interest and, if it so requires, 43084
the rate of interest. Neither the obligation to pay interest nor 43085
the rate of interest is subject to negotiation between the 43086
department and the provider. 43087

(C) If the provider fails to pay any installment in full 43088

within forty-five days after its due date, the department shall 43089
certify the entire balance owed to the attorney general for 43090
collection under section 131.02 of the Revised Code. The 43091
department may withhold funds from payments made to a provider 43092
under section 5123.18 ~~or 5123.199~~ of the Revised Code to satisfy a 43093
judgment secured by the attorney general. 43094

(D) The purchase of service fund is hereby created. Money 43095
credited to the fund shall be used solely for purposes of section 43096
5123.05 of the Revised Code. 43097

Sec. 5123.16. (A) As used in sections 5123.16 to 5123.169 of 43098
the Revised Code: 43099

(1) "Provider" means a person or government entity certified 43100
by the director of mental retardation and developmental 43101
disabilities to provide supported living. 43102

(2) "Related party" means any of the following: 43103

(a) In the case of a provider who is an individual, any of 43104
the following: 43105

(i) The spouse of the provider; 43106

(ii) A parent or stepparent of the provider or provider's 43107
spouse; 43108

(iii) A child of the provider or provider's spouse; 43109

(iv) A sibling, half sibling, or stepsibling of the provider 43110
or provider's spouse; 43111

(v) A grandparent of the provider or provider's spouse; 43112

(vi) A grandchild of the provider or provider's spouse; 43113

(vii) An employee or employer of the provider or provider's 43114
spouse. 43115

(b) In the case of a provider that is a person other than an 43116

<u>individual, any of the following:</u>	43117
<u>(i) An employee of the person;</u>	43118
<u>(ii) An officer of the provider, including the chief</u> <u>executive officer, president, vice-president, secretary, and</u> <u>treasurer;</u>	43119 43120 43121
<u>(iii) A member of the provider's board of directors or</u> <u>trustees;</u>	43122 43123
<u>(iv) A person owning a financial interest of five per cent or</u> <u>more in the provider;</u>	43124 43125
<u>(v) A corporation that has a subsidiary relationship with the</u> <u>provider;</u>	43126 43127
<u>(vi) A person or government entity that has control over the</u> <u>provider's day-to-day operation;</u>	43128 43129
<u>(vii) A person over which the provider has control of the</u> <u>day-to-day operation.</u>	43130 43131
<u>(c) In the case of a provider that is a government entity,</u> <u>any of the following:</u>	43132 43133
<u>(i) An employee of the provider;</u>	43134
<u>(ii) An officer of the provider;</u>	43135
<u>(iii) A member of the provider's governing board;</u>	43136
<u>(iv) A government entity that has control over the provider's</u> <u>day-to-day operation;</u>	43137 43138
<u>(v) A person or government entity over which the provider has</u> <u>control of the day-to-day operation.</u>	43139 43140
<u>(B) No person or government entity may provide supported</u> <u>living without a valid supported living certificate issued by the</u> <u>director of mental retardation and developmental disabilities.</u>	43141 43142 43143
<u>(C) A county board of mental retardation and developmental</u>	43144

disabilities may provide supported living only to the extent 43145
permitted by rules adopted under section 5123.169 of the Revised 43146
Code. 43147

Sec. 5123.161. A person or government entity that seeks to 43148
provide supported living shall apply to the director of mental 43149
retardation and developmental disabilities for a supported living 43150
certificate. 43151

Except as provided in section 5123.166 of the Revised Code, 43152
the director shall issue the applicant a supported living 43153
certificate if the applicant follows the application process 43154
established in rules adopted under section 5123.169 of the Revised 43155
Code, meets the applicable certification standards established in 43156
those rules, and pays the certification fee established in those 43157
rules. 43158

Sec. 5123.162. The director of mental retardation and 43159
developmental disabilities may conduct surveys of persons and 43160
government entities that seek a supported living certificate to 43161
determine whether the persons and government entities meet the 43162
certification standards. The director may also conduct surveys of 43163
providers to determine whether the providers continue to meet the 43164
certification standards. The director shall conduct the surveys in 43165
accordance with rules adopted under section 5123.169 of the 43166
Revised Code. 43167

The records of surveys conducted under this section are 43168
public records for the purpose of section 149.43 of the Revised 43169
Code and shall be made available on the request of any person or 43170
government entity. 43171

Sec. 5123.163. A supported living certificate is valid for a 43172
period of time established in rules adopted under section 5123.169 43173
of the Revised Code, unless any of the following occur before the 43174

end of that period of time: 43175

(A) The director of mental retardation and developmental disabilities issues an order requiring that action be taken against the certificate holder under section 5123.166 of the Revised Code. 43176
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(B) The director issues an order terminating the certificate under section 5123.168 of the Revised Code. 43180
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(C) The certificate holder voluntarily surrenders the certificate to the director. 43182
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Sec. 5123.164. Except as provided in section 5123.166 of the Revised Code, the director of mental retardation and developmental disabilities shall renew a supported living certificate if the certificate holder follows the renewal process established in rules adopted under section 5123.169 of the Revised Code, continues to meet the applicable certification standards established in those rules, and pays the renewal fee established in those rules. 43184
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Sec. 5123.165. (A) Except as provided in division (B) of this section, no person or government entity may provide supported living to an individual with mental retardation or a developmental disability if the person or government entity or a related party of the person or government entity also provides the individual a residence. 43192
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(B) A person may provide supported living to an individual with mental retardation or a developmental disability even though the person or a related party of the person also provides the individual a residence if either of the following apply: 43198
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(1) The person also resides in the residence with the individual and does not provide at any one time supported living to more than a total of three individuals with mental retardation 43202
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or a developmental disability who reside in that residence; 43205

(2) The person is an association of family members related to 43206
two or more of the individuals with mental retardation or a 43207
developmental disability who reside in the residence and does not 43208
provide at any one time supported living to more than a total of 43209
four individuals with mental retardation or a developmental 43210
disability who reside in that residence. 43211

Sec. 5123.166. (A) If good cause exists as specified in 43212
division (B) of this section and determined in accordance with 43213
procedures established in rules adopted under section 5123.169 of 43214
the Revised Code, the director of mental retardation and 43215
developmental disabilities may issue an adjudication order 43216
requiring that one of the following actions be taken against a 43217
person or government entity seeking or holding a supported living 43218
certificate: 43219

(1) Refusal to issue or renew a supported living certificate; 43220

(2) Revocation of a supported living certificate; 43221

(3) Suspension of a supported living certificate holder's 43222
authority to do either or both of the following: 43223

(a) Continue to provide supported living to one or more 43224
individuals from one or more counties who receive supported living 43225
from the certificate holder at the time the director takes the 43226
action; 43227

(b) Begin to provide supported living to one or more 43228
individuals from one or more counties who do not receive supported 43229
living from the certificate holder at the time the director takes 43230
the action. 43231

(B) The following constitute good cause for taking action 43232
under division (A) of this section against a person or government 43233
entity seeking or holding a supported living certificate: 43234

<u>(1) The person or government entity's failure to meet or</u>	43235
<u>continue to meet the applicable certification standards</u>	43236
<u>established in rules adopted under section 5123.169 of the Revised</u>	43237
<u>Code;</u>	43238
<u>(2) The person or government entity violates section 5123.165</u>	43239
<u>of the Revised Code;</u>	43240
<u>(3) The person or government entity's failure to satisfy the</u>	43241
<u>requirements of section 5123.52, 5126.28, or 5126.281 of the</u>	43242
<u>Revised Code;</u>	43243
<u>(4) Misfeasance;</u>	43244
<u>(5) Malfeasance;</u>	43245
<u>(6) Nonfeasance;</u>	43246
<u>(7) Confirmed abuse or neglect;</u>	43247
<u>(8) Financial irresponsibility;</u>	43248
<u>(9) Other conduct the director determines is or would be</u>	43249
<u>injurious to individuals who receive or would receive supported</u>	43250
<u>living from the person or government entity.</u>	43251
<u>(C) Except as provided in division (D) of this section, the</u>	43252
<u>director shall issue an adjudication order under division (A) of</u>	43253
<u>this section in accordance with Chapter 119. of the Revised Code.</u>	43254
<u>(D)(1) The director may issue an order requiring that action</u>	43255
<u>specified in division (A)(3) of this section be taken before a</u>	43256
<u>provider is provided notice and an opportunity for a hearing if</u>	43257
<u>all of the following are the case:</u>	43258
<u>(a) The director determines such action is warranted by the</u>	43259
<u>provider's failure to continue to meet the applicable</u>	43260
<u>certification standards;</u>	43261
<u>(b) The director determines that the failure either</u>	43262
<u>represents a pattern of serious noncompliance or creates a</u>	43263

substantial risk to the health or safety of an individual who 43264
receives or would receive supported living from the provider; 43265

(c) If the order will suspend the provider's authority to 43266
continue to provide supported living to an individual who receives 43267
supported living from the provider at the time the director issues 43268
the order, both of the following are the case: 43269

(i) The director makes the individual, or the individual's 43270
guardian, aware of the director's determination under division 43271
(D)(1)(b) of this section and the individual or guardian does not 43272
select another provider. 43273

(ii) A county board of mental retardation and developmental 43274
disabilities has filed a complaint with a probate court under 43275
section 5123.33 of the Revised Code that includes facts describing 43276
the nature of abuse or neglect that the individual has suffered 43277
due to the provider's actions that are the basis for the director 43278
making the determination under division (D)(1)(b) of this section 43279
and the probate court does not issue an order authorizing the 43280
county board to arrange services for the individual pursuant to an 43281
individualized service plan developed for the individual under 43282
section 5123.31 of the Revised Code. 43283

(2) If the director issues an order under division (D)(1) of 43284
this section, sections 119.091 to 119.13 of the Revised Code and 43285
all of the following apply: 43286

(a) The director shall send the provider notice of the order 43287
by registered mail, return receipt requested, not later than 43288
twenty-four hours after issuing the order and shall include in the 43289
notice the reasons for the order, the citation to the law or rule 43290
directly involved, and a statement that the provider will be 43291
afforded a hearing if the provider requests it within ten days of 43292
the time of receiving the notice. 43293

(b) If the provider requests a hearing within the required 43294

time and the provider has provided the director the provider's 43295
current address, the director shall immediately set, and notify 43296
the provider of, the date, time, and place for the hearing. 43297

(c) The date of the hearing shall be not later than thirty 43298
days after the director receives the provider's timely request for 43299
the hearing. 43300

(d) The hearing shall be conducted in accordance with section 43301
119.09 of the Revised Code, except for all of the following: 43302

(i) The hearing shall continue uninterrupted until its close, 43303
except for weekends, legal holidays, and other interruptions the 43304
provider and director agree to. 43305

(ii) If the director appoints a referee or examiner to 43306
conduct the hearing, the referee or examiner, not later than ten 43307
days after the date the referee or examiner receives a transcript 43308
of the testimony and evidence presented at the hearing or, if the 43309
referee or examiner does not receive the transcript or no such 43310
transcript is made, the date that the referee or examiner closes 43311
the record of the hearing, shall submit to the director a written 43312
report setting forth the referee or examiner's findings of fact 43313
and conclusions of law and a recommendation of the action the 43314
director should take. 43315

(iii) The provider may, not later than five days after the 43316
date the director, in accordance with section 119.09 of the 43317
Revised Code, sends the provider or the provider's attorney or 43318
other representative of record a copy of the referee or examiner's 43319
report and recommendation, file with the director written 43320
objections to the report and recommendation. 43321

(iv) The director shall approve, modify, or disapprove the 43322
referee or examiner's report and recommendation not earlier than 43323
six days, and not later than fifteen days, after the date the 43324
director, in accordance with section 119.09 of the Revised Code, 43325

sends a copy of the report and recommendation to the provider or 43326
the provider's attorney or other representative of record. 43327

(3) The director may lift an order issued under division 43328
(D)(1) of this section even though a hearing regarding the order 43329
is occurring or pending if the director determines that the 43330
provider has taken action eliminating the good cause for issuing 43331
the order. The hearing shall proceed unless the provider withdraws 43332
the request for the hearing in a written letter to the director. 43333

(4) The director shall lift an order issued under division 43334
(D)(1) of this section if both of the following are the case: 43335

(a) The provider provides the director a plan of compliance 43336
the director determines is acceptable. 43337

(b) The director determines that the provider has implemented 43338
the plan of compliance correctly. 43339

Sec. 5123.167. If the director of mental retardation and 43340
developmental disabilities issues an adjudication order under 43341
section 5123.166 of the Revised Code refusing to issue a supported 43342
living certificate to a person or government entity or to renew a 43343
person or government entity's supported living certificate, 43344
neither the person or government entity nor a related party of the 43345
person or government entity may apply for another supported living 43346
certificate earlier than the date that is one year after the date 43347
the order is issued. If the director issues an adjudication order 43348
under that section revoking a person or government entity's 43349
supported living certificate, neither the person or government 43350
entity nor a related party of the person or government entity may 43351
apply for another supported living certificate earlier than the 43352
date that is five years after the date the order is issued. 43353

Sec. 5123.168. The director of mental retardation and 43354
developmental disabilities may issue an adjudication order in 43355

accordance with Chapter 119. of the Revised Code to terminate a 43356
supported living certificate if the certificate holder has not 43357
billed for supported living for twelve consecutive months. 43358

Sec. 5123.169. The director of mental retardation and 43359
developmental disabilities shall adopt rules under Chapter 119. of 43360
the Revised Code establishing all of the following: 43361

(A) The extent to which a county board of mental retardation 43362
and developmental disabilities may provide supported living; 43363

(B) The application process for obtaining a supported living 43364
certificate under section 5123.161 of the Revised Code; 43365

(C) The certification standards a person or government entity 43366
must meet to obtain a supported living certificate to provide 43367
supported living; 43368

(D) The certification fee for a supported living certificate, 43369
which shall be deposited into the program fee fund created under 43370
section 5123.033 of the Revised Code; 43371

(E) The period of time a supported living certificate is 43372
valid; 43373

(F) The process for renewing a supported living certificate 43374
under section 5123.164 of the Revised Code; 43375

(G) The renewal fee for a supported living certificate, which 43376
shall be deposited into the program fee fund created under section 43377
5123.033 of the Revised Code; 43378

(H) Procedures for conducting surveys under section 5123.162 43379
of the Revised Code; 43380

(I) Procedures for determining whether there is good cause to 43381
take action under section 5123.166 of the Revised Code against a 43382
person or government entity seeking or holding a supported living 43383
certificate. 43384

Sec. 5123.19. (A) As used in this section and in sections 43385
5123.191, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised 43386
Code: 43387

(1)(a) "Residential facility" means a home or facility in 43388
which a mentally retarded or developmentally disabled person 43389
resides, except the home of a relative or legal guardian in which 43390
a mentally retarded or developmentally disabled person resides, a 43391
respite care home certified under section 5126.05 of the Revised 43392
Code, a county home or district home operated pursuant to Chapter 43393
5155. of the Revised Code, or a dwelling in which the only 43394
mentally retarded or developmentally disabled residents are in an 43395
independent living arrangement or are being provided supported 43396
living. 43397

(b) "Intermediate care facility for the mentally retarded" 43398
means a residential facility that is considered an intermediate 43399
care facility for the mentally retarded for the purposes of 43400
Chapter 5111. of the Revised Code. 43401

(2) "Political subdivision" means a municipal corporation, 43402
county, or township. 43403

(3) "Independent living arrangement" means an arrangement in 43404
which a mentally retarded or developmentally disabled person 43405
resides in an individualized setting chosen by the person or the 43406
person's guardian, which is not dedicated principally to the 43407
provision of residential services for mentally retarded or 43408
developmentally disabled persons, and for which no financial 43409
support is received for rendering such service from any 43410
governmental agency by a provider of residential services. 43411

~~(4) "Supported living" has the same meaning as in section 43412
5126.01 of the Revised Code. 43413~~

~~(5) "Licensee" means the person or government agency that has 43414~~

applied for a license to operate a residential facility and to 43415
which the license was issued under this section. 43416

(5) "Related party" has the same meaning as in section 43417
5123.16 of the Revised Code except that "provider" as used in the 43418
definition of "related party" means a person or government entity 43419
that held or applied for a license to operate a residential 43420
facility, rather than a person or government entity certified to 43421
provide supported living. 43422

(B) Every person or government agency desiring to operate a 43423
residential facility shall apply for licensure of the facility to 43424
the director of mental retardation and developmental disabilities 43425
unless the residential facility is subject to section 3721.02, 43426
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 43427
Chapter 3721. of the Revised Code, a nursing home that is 43428
certified as an intermediate care facility for the mentally 43429
retarded under Title XIX of the "Social Security Act," 79 Stat. 43430
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 43431
licensure of the portion of the home that is certified as an 43432
intermediate care facility for the mentally retarded. 43433

(C) Subject to section 5123.196 of the Revised Code, the 43434
director of mental retardation and developmental disabilities 43435
shall license the operation of residential facilities. An initial 43436
license shall be issued for a period that does not exceed one 43437
year, unless the director denies the license under division (D) of 43438
this section. A license shall be renewed for a period that does 43439
not exceed three years, unless the director refuses to renew the 43440
license under division (D) of this section. The director, when 43441
issuing or renewing a license, shall specify the period for which 43442
the license is being issued or renewed. A license remains valid 43443
for the length of the licensing period specified by the director, 43444
unless the license is terminated, revoked, or voluntarily 43445
surrendered. 43446

(D) If it is determined that an applicant or licensee is not 43447
in compliance with a provision of this chapter that applies to 43448
residential facilities or the rules adopted under such a 43449
provision, the director may deny issuance of a license, refuse to 43450
renew a license, terminate a license, revoke a license, issue an 43451
order for the suspension of admissions to a facility, issue an 43452
order for the placement of a monitor at a facility, issue an order 43453
for the immediate removal of residents, or take any other action 43454
the director considers necessary consistent with the director's 43455
authority under this chapter regarding residential facilities. In 43456
the director's selection and administration of the sanction to be 43457
imposed, all of the following apply: 43458

(1) The director may deny, refuse to renew, or revoke a 43459
license, if the director determines that the applicant or licensee 43460
has demonstrated a pattern of serious noncompliance or that a 43461
violation creates a substantial risk to the health and safety of 43462
residents of a residential facility. 43463

(2) The director may terminate a license if more than twelve 43464
consecutive months have elapsed since the residential facility was 43465
last occupied by a resident or a notice required by division 43466
~~(J)~~(K) of this section is not given. 43467

(3) The director may issue an order for the suspension of 43468
admissions to a facility for any violation that may result in 43469
sanctions under division (D)(1) of this section and for any other 43470
violation specified in rules adopted under division ~~(G)~~(H)(2) of 43471
this section. If the suspension of admissions is imposed for a 43472
violation that may result in sanctions under division (D)(1) of 43473
this section, the director may impose the suspension before 43474
providing an opportunity for an adjudication under Chapter 119. of 43475
the Revised Code. The director shall lift an order for the 43476
suspension of admissions when the director determines that the 43477
violation that formed the basis for the order has been corrected. 43478

(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.

(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned or operated by that person or government entity. The director may take any action authorized by this section with respect to any facility found to be operating in violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision.

(6) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also ~~notify each affected resident, the resident's guardian if the resident is an adult for whom a guardian has been appointed, the resident's parent or guardian if the resident is a minor, and the county board of mental retardation and developmental disabilities~~ send a copy of the letter to the county board of mental retardation and developmental disabilities. The county board shall send a copy of the letter to each of the following:

<u>(a) Each resident who receives services from the licensee;</u>	43511
<u>(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;</u>	43512
<u>(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.</u>	43513
	43514
<u>(7) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.</u>	43515
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be made. The rules shall require that public notification be made 43542
if the director has taken action against the facility in the 43543
eighteen-month period immediately preceding the director's latest 43544
action against the facility and the latest action is being taken 43545
for the same or a substantially similar violation of a provision 43546
of this chapter that applies to residential facilities or the 43547
rules adopted under such a provision. The rules shall specify a 43548
method for removing or amending the public notification if the 43549
director's action is found to have been unjustified or the 43550
violation at the residential facility has been corrected. 43551

(F)(1) Except as provided in division (F)(2) of this section, 43552
appeals from proceedings initiated to impose a sanction under 43553
division (D) of this section shall be conducted in accordance with 43554
Chapter 119. of the Revised Code. 43555

(2) Appeals from proceedings initiated to order the 43556
suspension of admissions to a facility shall be conducted in 43557
accordance with Chapter 119. of the Revised Code, unless the order 43558
was issued before providing an opportunity for an adjudication, in 43559
which case all of the following apply: 43560

(a) The licensee may request a hearing not later than ten 43561
days after receiving the notice specified in section 119.07 of the 43562
Revised Code. 43563

(b) If a timely request for a hearing that includes the 43564
licensee's current address is made, the hearing shall commence not 43565
later than thirty days after the department receives the request. 43566

(c) After commencing, the hearing shall continue 43567
uninterrupted, except for Saturdays, Sundays, and legal holidays, 43568
unless other interruptions are agreed to by the licensee and the 43569
director. 43570

(d) If the hearing is conducted by a hearing examiner, the 43571
hearing examiner shall file a report and recommendations not later 43572

than ten days after the last of the following: 43573

(i) The close of the hearing; 43574

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 43575
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 43577
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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. 43579
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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. 43583
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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. 43586
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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. 43590
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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. 43594
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(H) In accordance with Chapter 119. of the Revised Code, the 43602

director shall adopt and may amend and rescind rules for licensing 43603
and regulating the operation of residential facilities, including 43604
intermediate care facilities for the mentally retarded. The rules 43605
for intermediate care facilities for the mentally retarded may 43606
differ from those for other residential facilities. The rules 43607
shall establish and specify the following: 43608

(1) Procedures and criteria for issuing and renewing 43609
licenses, including procedures and criteria for determining the 43610
length of the licensing period that the director must specify for 43611
each license when it is issued or renewed; 43612

(2) Procedures and criteria for denying, refusing to renew, 43613
terminating, and revoking licenses and for ordering the suspension 43614
of admissions to a facility, placement of a monitor at a facility, 43615
and the immediate removal of residents from a facility; 43616

(3) Fees for issuing and renewing licenses, which shall be 43617
deposited into the program fee fund created under section 5123.033 43618
of the Revised Code; 43619

(4) Procedures for surveying residential facilities; 43620

(5) Requirements for the training of residential facility 43621
personnel; 43622

(6) Classifications for the various types of residential 43623
facilities; 43624

(7) Certification procedures for licensees and management 43625
contractors that the director determines are necessary to ensure 43626
that they have the skills and qualifications to properly operate 43627
or manage residential facilities; 43628

(8) The maximum number of persons who may be served in a 43629
particular type of residential facility; 43630

(9) Uniform procedures for admission of persons to and 43631
transfers and discharges of persons from residential facilities; 43632

(10) Other standards for the operation of residential 43633
facilities and the services provided at residential facilities; 43634

(11) Procedures for waiving any provision of any rule adopted 43635
under this section. 43636

~~(H)~~(I) Before issuing a license, the director of the 43637
department or the director's designee shall conduct a survey of 43638
the residential facility for which application is made. The 43639
director or the director's designee shall conduct a survey of each 43640
licensed residential facility at least once during the period the 43641
license is valid and may conduct additional inspections as needed. 43642
A survey includes but is not limited to an on-site examination and 43643
evaluation of the residential facility, its personnel, and the 43644
services provided there. 43645

In conducting surveys, the director or the director's 43646
designee shall be given access to the residential facility; all 43647
records, accounts, and any other documents related to the 43648
operation of the facility; the licensee; the residents of the 43649
facility; and all persons acting on behalf of, under the control 43650
of, or in connection with the licensee. The licensee and all 43651
persons on behalf of, under the control of, or in connection with 43652
the licensee shall cooperate with the director or the director's 43653
designee in conducting the survey. 43654

Following each survey, unless the director initiates a 43655
license revocation proceeding, the director or the director's 43656
designee shall provide the licensee with a report listing any 43657
deficiencies, specifying a timetable within which the licensee 43658
shall submit a plan of correction describing how the deficiencies 43659
will be corrected, and, when appropriate, specifying a timetable 43660
within which the licensee must correct the deficiencies. After a 43661
plan of correction is submitted, the director or the director's 43662
designee shall approve or disapprove the plan. A copy of the 43663
report and any approved plan of correction shall be provided to 43664

any person who requests it. 43665

The director shall initiate disciplinary action against any 43666
department employee who notifies or causes the notification to any 43667
unauthorized person of an unannounced survey of a residential 43668
facility by an authorized representative of the department. 43669

~~(I)~~(J) In addition to any other information which may be 43670
required of applicants for a license pursuant to this section, the 43671
director shall require each applicant to provide a copy of an 43672
approved plan for a proposed residential facility pursuant to 43673
section 5123.042 of the Revised Code. This division does not apply 43674
to renewal of a license. 43675

~~(J)~~(K) A licensee shall notify the owner of the building in 43676
which the licensee's residential facility is located of any 43677
significant change in the identity of the licensee or management 43678
contractor before the effective date of the change if the licensee 43679
is not the owner of the building. 43680

Pursuant to rules which shall be adopted in accordance with 43681
Chapter 119. of the Revised Code, the director may require 43682
notification to the department of any significant change in the 43683
ownership of a residential facility or in the identity of the 43684
licensee or management contractor. If the director determines that 43685
a significant change of ownership is proposed, the director shall 43686
consider the proposed change to be an application for development 43687
by a new operator pursuant to section 5123.042 of the Revised Code 43688
and shall advise the applicant within sixty days of the 43689
notification that the current license shall continue in effect or 43690
a new license will be required pursuant to this section. If the 43691
director requires a new license, the director shall permit the 43692
facility to continue to operate under the current license until 43693
the new license is issued, unless the current license is revoked, 43694
refused to be renewed, or terminated in accordance with Chapter 43695
119. of the Revised Code. 43696

~~(K)~~(L) A county board of mental retardation and developmental disabilities, the legal rights service, and any interested person may file complaints alleging violations of statute or department rule relating to residential facilities with the department. All complaints shall be in writing and shall state the facts constituting the basis of the allegation. The department shall not reveal the source of any complaint unless the complainant agrees in writing to waive the right to confidentiality or until so ordered by a court of competent jurisdiction.

The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures for the receipt, referral, investigation, and disposition of complaints filed with the department under this division.

~~(L)~~(M) The department shall establish procedures for the notification of interested parties of the transfer or interim care of residents from residential facilities that are closing or are losing their license.

~~(M)~~(N) Before issuing a license under this section to a residential facility that will accommodate at any time more than one mentally retarded or developmentally disabled individual, the director shall, by first class mail, notify the following:

(1) If the facility will be located in a municipal corporation, the clerk of the legislative authority of the municipal corporation;

(2) If the facility will be located in unincorporated territory, the clerk of the appropriate board of county commissioners and the fiscal officer of the appropriate board of township trustees.

The director shall not issue the license for ten days after mailing the notice, excluding Saturdays, Sundays, and legal holidays, in order to give the notified local officials time in

which to comment on the proposed issuance. 43728

Any legislative authority of a municipal corporation, board 43729
of county commissioners, or board of township trustees that 43730
receives notice under this division of the proposed issuance of a 43731
license for a residential facility may comment on it in writing to 43732
the director within ten days after the director mailed the notice, 43733
excluding Saturdays, Sundays, and legal holidays. If the director 43734
receives written comments from any notified officials within the 43735
specified time, the director shall make written findings 43736
concerning the comments and the director's decision on the 43737
issuance of the license. If the director does not receive written 43738
comments from any notified local officials within the specified 43739
time, the director shall continue the process for issuance of the 43740
license. 43741

~~(N)~~(O) Any person may operate a licensed residential facility 43742
that provides room and board, personal care, habilitation 43743
services, and supervision in a family setting for at least six but 43744
not more than eight persons with mental retardation or a 43745
developmental disability as a permitted use in any residential 43746
district or zone, including any single-family residential district 43747
or zone, of any political subdivision. These residential 43748
facilities may be required to comply with area, height, yard, and 43749
architectural compatibility requirements that are uniformly 43750
imposed upon all single-family residences within the district or 43751
zone. 43752

~~(O)~~(P) Any person may operate a licensed residential facility 43753
that provides room and board, personal care, habilitation 43754
services, and supervision in a family setting for at least nine 43755
but not more than sixteen persons with mental retardation or a 43756
developmental disability as a permitted use in any multiple-family 43757
residential district or zone of any political subdivision, except 43758
that a political subdivision that has enacted a zoning ordinance 43759

or resolution establishing planned unit development districts may 43760
exclude these residential facilities from those districts, and a 43761
political subdivision that has enacted a zoning ordinance or 43762
resolution may regulate these residential facilities in 43763
multiple-family residential districts or zones as a conditionally 43764
permitted use or special exception, in either case, under 43765
reasonable and specific standards and conditions set out in the 43766
zoning ordinance or resolution to: 43767

(1) Require the architectural design and site layout of the 43768
residential facility and the location, nature, and height of any 43769
walls, screens, and fences to be compatible with adjoining land 43770
uses and the residential character of the neighborhood; 43771

(2) Require compliance with yard, parking, and sign 43772
regulation; 43773

(3) Limit excessive concentration of these residential 43774
facilities. 43775

~~(P)~~(Q) This section does not prohibit a political subdivision 43776
from applying to residential facilities nondiscriminatory 43777
regulations requiring compliance with health, fire, and safety 43778
regulations and building standards and regulations. 43779

~~(Q)~~(R) Divisions ~~(N)~~(O) and ~~(O)~~(P) of this section are not 43780
applicable to municipal corporations that had in effect on June 43781
15, 1977, an ordinance specifically permitting in residential 43782
zones licensed residential facilities by means of permitted uses, 43783
conditional uses, or special exception, so long as such ordinance 43784
remains in effect without any substantive modification. 43785

~~(R)~~(S)(1) The director may issue an interim license to 43786
operate a residential facility to an applicant for a license under 43787
this section if either of the following is the case: 43788

(a) The director determines that an emergency exists 43789
requiring immediate placement of persons in a residential 43790

facility, that insufficient licensed beds are available, and that 43791
the residential facility is likely to receive a permanent license 43792
under this section within thirty days after issuance of the 43793
interim license. 43794

(b) The director determines that the issuance of an interim 43795
license is necessary to meet a temporary need for a residential 43796
facility. 43797

(2) To be eligible to receive an interim license, an 43798
applicant must meet the same criteria that must be met to receive 43799
a permanent license under this section, except for any differing 43800
procedures and time frames that may apply to issuance of a 43801
permanent license. 43802

(3) An interim license shall be valid for thirty days and may 43803
be renewed by the director for a period not to exceed one hundred 43804
fifty days. 43805

(4) The director shall adopt rules in accordance with Chapter 43806
119. of the Revised Code as the director considers necessary to 43807
administer the issuance of interim licenses. 43808

~~(S)~~(T) Notwithstanding rules adopted pursuant to this section 43809
establishing the maximum number of persons who may be served in a 43810
particular type of residential facility, a residential facility 43811
shall be permitted to serve the same number of persons being 43812
served by the facility on the effective date of the rules or the 43813
number of persons for which the facility is authorized pursuant to 43814
a current application for a certificate of need with a letter of 43815
support from the department of mental retardation and 43816
developmental disabilities and which is in the review process 43817
prior to April 4, 1986. 43818

~~(F)~~(U) The director or the director's designee may enter at 43819
any time, for purposes of investigation, any home, facility, or 43820
other structure that has been reported to the director or that the 43821

director has reasonable cause to believe is being operated as a residential facility without a license issued under this section.

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for 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 the residential facility in which the bed was located unless the reason the bed ceases to be a residential facility bed is because it is converted to providing home and community-based services under the ICF/MR conversion pilot program that is authorized by a waiver sought under division (B)(1) of section 5111.88 of the Revised Code.

(D) The director shall increase the number of beds determined under division (B) of this section if necessary to enable the operator of a residential facility to do either of the following:

(1) Obtain a residential facility license as required by section 5111.8814 of the Revised Code;

(2) Reconvert beds to providing ICF/MR services under section 5111.8811 of the Revised Code.

(E) The director shall maintain an up-to-date written record of the maximum number of residential facility beds provided for by division (B) of this section.

(F) The director may issue an interim license under division ~~(R)~~(S) of section 5123.19 of the Revised Code and issue, pursuant to rules adopted under division ~~(G)~~(H)(11) of that section, a waiver allowing a residential facility to admit more residents than the facility is licensed to admit regardless of whether the interim license or waiver will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section.

Sec. 5123.198. (A) As used in this section, "date of the

commitment" means the date that an individual specified in 43883
division (B) of this section begins to reside in a state-operated 43884
intermediate care facility for the mentally retarded after being 43885
committed to the facility pursuant to sections 5123.71 to 5123.76 43886
of the Revised Code. 43887

(B) Except as provided in division (C) of this section, 43888
whenever a resident of a residential facility is committed to a 43889
state-operated intermediate care facility for the mentally 43890
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 43891
Code, the department of mental retardation and developmental 43892
disabilities, pursuant to an adjudication order issued in 43893
accordance with Chapter 119. of the Revised Code, shall reduce by 43894
one the number of residents for which the facility in which the 43895
resident resided is licensed. 43896

(C) The department shall not reduce under division (B) of 43897
this section the number of residents for which a residential 43898
facility is licensed if any of the following are the case: 43899

(1) The resident of the residential facility who is committed 43900
to a state-operated intermediate care facility for the mentally 43901
retarded resided in the residential facility because of the 43902
closure, on or after ~~the effective date of this section~~ June 26, 43903
2003, of another state-operated intermediate care facility for the 43904
mentally retarded; 43905

(2) The residential facility admits within ninety days of the 43906
date of the commitment an individual who resides on the date of 43907
the commitment in a state-operated intermediate care facility for 43908
the mentally retarded or another residential facility; 43909

(3) The department fails to do either of the following within 43910
ninety days of the date of the commitment: 43911

(a) Identify an individual to whom all of the following 43912
applies: 43913

(i) Resides on the date of the commitment in a state-operated intermediate care facility for the mentally retarded or another residential facility;	43914 43915 43916
(ii) Has indicated to the department an interest in relocating to the residential facility or has a parent or guardian who has indicated to the department an interest for the individual to relocate to the residential facility;	43917 43918 43919 43920
(iii) The department determines the individual has needs that the residential facility can meet.	43921 43922
(b) Provide the residential facility with information about the individual identified under division (C)(2)(a) of this section that the residential facility needs in order to determine whether the facility can meet the individual's needs.	43923 43924 43925 43926
(4) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and except as provided in division (D) of this section, the residential facility does all of the following not later than ninety days after the date of the commitment:	43927 43928 43929 43930 43931 43932
(a) Evaluates the information provided by the department;	43933
(b) Assesses the identified individual's needs;	43934
(c) Determines that the residential facility cannot meet the identified individual's needs.	43935 43936
(5) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and the residential facility determines that the residential facility can meet the identified individual's needs, the individual, or a parent or guardian of the individual, refuses placement in the residential facility.	43937 43938 43939 43940 43941 43942
(D) The department may reduce under division (B) of this	43943

section the number of residents for which a residential facility 43944
is licensed even though the residential facility completes the 43945
actions specified in division (C)(4) of this section not later 43946
than ninety days after the date of the commitment if all of the 43947
following are the case: 43948

(1) The department disagrees with the residential facility's 43949
determination that the residential facility cannot meet the 43950
identified individual's needs. 43951

(2) The department issues a written decision pursuant to the 43952
uniform procedures for admissions, transfers, and discharges 43953
established by rules adopted under division ~~(G)~~(H)(9) of section 43954
5123.19 of the Revised Code that the residential facility should 43955
admit the identified individual. 43956

(3) After the department issues the written decision 43957
specified in division (D)(2) of this section, the residential 43958
facility refuses to admit the identified individual. 43959

(E) A residential facility that admits, refuses to admit, 43960
transfers, or discharges a resident under this section shall 43961
comply with the uniform procedures for admissions, transfers, and 43962
discharges established by rules adopted under division ~~(G)~~(H)(9) 43963
of section 5123.19 of the Revised Code. 43964

(F) The department of mental retardation and developmental 43965
disabilities may notify the department of job and family services 43966
of any reduction under this section in the number of residents for 43967
which a residential facility that is an intermediate care facility 43968
for the mentally retarded is licensed. On receiving the notice, 43969
the department of job and family services may transfer to the 43970
department of mental retardation and developmental disabilities 43971
the savings in the nonfederal share of medicaid expenditures for 43972
each fiscal year after the year of the commitment to be used for 43973
costs of the resident's care in the state-operated intermediate 43974

care facility for the mentally retarded. In determining the amount 43975
saved, the department of job and family services shall consider 43976
medicaid payments for the remaining residents of the facility in 43977
which the resident resided. 43978

~~Sec. 5123.20. As used in this section, "supported living" has 43979
the same meaning as in section 5126.01 of the Revised Code. 43980~~

No person or government agency shall operate a residential 43981
facility or receive a mentally retarded or developmentally 43982
disabled person as a resident of a residential facility unless the 43983
facility is licensed under section 5123.19 of the Revised Code, 43984
and no person or governmental agency shall operate a respite care 43985
home or receive a mentally retarded or developmentally disabled 43986
person in a respite care home unless the home is certified under 43987
section 5126.05 of the Revised Code. 43988

~~No person or government agency shall provide supported living 43989
unless that person or government agency is certified under section 43990
5126.431 of the Revised Code. 43991~~

Sec. 5123.211. (A) As used in this section, "residential 43992
services" and ~~"supported living" have~~ has the same meanings 43993
meaning as in section 5126.01 of the Revised Code. 43994

(B) The department of mental retardation and developmental 43995
disabilities shall provide or arrange provision of residential 43996
services for each person who, on or after July 1, 1989, ceases to 43997
be a resident of a state institution because of closure of the 43998
institution or a reduction in the institution's population by 43999
forty per cent or more within a period of one year. The services 44000
shall be provided in the county in which the person chooses to 44001
reside and shall consist of one of the following as determined 44002
appropriate by the department in consultation with the county 44003
board of mental retardation and developmental disabilities of the 44004

county in which the services are to be provided: 44005

(1) Residential services provided pursuant to section 5123.18 44006
of the Revised Code; 44007

(2) ~~Supported living provided pursuant to section 5123.182 of~~ 44008
~~the Revised Code;~~ 44009

~~(3)~~ Residential services for which reimbursement is made 44010
under the medical assistance program established under section 44011
5111.01 of the Revised Code; 44012

~~(4)~~(3) Residential services provided in a manner or setting 44013
approved by the director of mental retardation and developmental 44014
disabilities. 44015

(C) Not less than six months prior to closing a state 44016
institution or reducing a state institution's population by forty 44017
per cent or more within a period of one year, the department shall 44018
identify those counties in which individuals leaving the 44019
institution have chosen to reside and notify the county boards of 44020
mental retardation and developmental disabilities in those 44021
counties of the need to develop the services specified in division 44022
(B) of this section. The notice shall specify the number of 44023
individuals requiring services who plan to reside in the county 44024
and indicate the amount of funds the department will use to 44025
provide or arrange services for those individuals. 44026

(D) In each county in which one or more persons receive 44027
residential services pursuant to division (B) of this section, the 44028
department shall provide or arrange provision of residential 44029
services, or shall distribute moneys to the county board of mental 44030
retardation and developmental disabilities to provide or arrange 44031
provision of residential services, for an equal number of persons 44032
with mental retardation or developmental disabilities in that 44033
county who the county board has determined need residential 44034
services but are not receiving them. 44035

Sec. 5123.38. (A) Except as provided in division (B) and (C) 44036
of this section, if an individual receiving supported living or 44037
home and community-based services, ~~as defined in section 5126.01~~ 44038
~~of the Revised Code,~~ funded by a county board of mental 44039
retardation and developmental disabilities is committed to a 44040
state-operated intermediate care facility for the mentally 44041
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 44042
Code, the department of mental retardation and developmental 44043
disabilities shall use the funds otherwise allocated to the county 44044
board as the nonfederal share of medicaid expenditures for the 44045
individual's care in the state-operated facility. 44046

(B) Division (A) of this section does not apply if the county 44047
board, not later than ninety days after the date of the commitment 44048
of a person receiving supported services, commences funding of 44049
supported living for an individual who resides in a state-operated 44050
intermediate care facility for the mentally retarded on the date 44051
of the commitment or another eligible individual designated by the 44052
department. 44053

(C) Division (A) of this section does not apply if the county 44054
board, not later than ninety days after the date of the commitment 44055
of a person receiving home and community-based services, commences 44056
funding of home and community-based services for an individual who 44057
resides in a state-operated intermediate care facility for the 44058
mentally retarded on the date of the commitment or another 44059
eligible individual designated by the department. 44060

Sec. 5123.41. As used in this section and sections 5123.42 to 44061
5123.47 of the Revised Code: 44062

(A) "Adult services" has the same meaning as in section 44063
5126.01 of the Revised Code. 44064

(B) ~~"Certified home and community-based services provider"~~ 44065

~~means a person or government entity certified under section 44066
5123.16 of the Revised Code. 44067~~

~~(C)~~ "Certified supported living provider" means a person or 44068
government entity certified under section ~~5126.431~~ 5123.161 of the 44069
Revised Code. 44070

~~(D)~~(C) "Drug" has the same meaning as in section 4729.01 of 44071
the Revised Code. 44072

~~(E)~~(D) "Family support services" has the same meaning as in 44073
section 5126.01 of the Revised Code. 44074

~~(F)~~(E) "Health-related activities" means the following: 44075

(1) Taking vital signs; 44076

(2) Application of clean dressings that do not require health 44077
assessment; 44078

(3) Basic measurement of bodily intake and output; 44079

(4) Oral suctioning; 44080

(5) Use of glucometers; 44081

(6) External urinary catheter care; 44082

(7) Emptying and replacing colostomy bags; 44083

(8) Collection of specimens by noninvasive means. 44084

~~(G)~~(F) "Licensed health professional authorized to prescribe 44085
drugs" has the same meaning as in section 4729.01 of the Revised 44086
Code. 44087

~~(H)~~ "Medicaid" has the same meaning as in section ~~5111.01~~ of 44088
the Revised Code. 44089

~~(I)~~(G) "MR/DD personnel" means the employees and the workers 44090
under contract who provide specialized services to individuals 44091
with mental retardation and developmental disabilities. "MR/DD 44092
personnel" includes those who provide the services as follows: 44093

(1) Through direct employment with the department of mental 44094
retardation and developmental disabilities or a county board of 44095
mental retardation and developmental disabilities; 44096

(2) Through an entity under contract with the department of 44097
mental retardation and developmental disabilities or a county 44098
board of mental retardation and developmental disabilities; 44099

(3) Through direct employment or by being under contract with 44100
private entities, including private entities that operate 44101
residential facilities. 44102

~~(J)~~(H) "Nursing delegation" means the process established in 44103
rules adopted by the board of nursing pursuant to Chapter 4723. of 44104
the Revised Code under which a registered nurse or licensed 44105
practical nurse acting at the direction of a registered nurse 44106
transfers the performance of a particular nursing activity or task 44107
to another person who is not otherwise authorized to perform the 44108
activity or task. 44109

~~(K)~~(I) "Prescribed medication" means a drug that is to be 44110
administered according to the instructions of a licensed health 44111
professional authorized to prescribe drugs. 44112

~~(L)~~(J) "Residential facility" means a facility licensed under 44113
section 5123.19 of the Revised Code or subject to section 5123.192 44114
of the Revised Code. 44115

~~(M)~~(K) "Specialized services" has the same meaning as in 44116
section 5123.50 of the Revised Code. 44117

~~(N)~~(L) "Tube feeding" means the provision of nutrition to an 44118
individual through a gastrostomy tube or a jejunostomy tube. 44119

Sec. 5123.51. (A) In addition to any other action required by 44120
sections 5123.61 and 5126.31 of the Revised Code, the department 44121
of mental retardation and developmental disabilities shall review 44122
each report the department receives of abuse or neglect of an 44123

individual with mental retardation or a developmental disability 44124
or misappropriation of an individual's property that includes an 44125
allegation that an MR/DD employee committed or was responsible for 44126
the abuse, neglect, or misappropriation. The department shall 44127
review a report it receives from a public children services agency 44128
only after the agency completes its investigation pursuant to 44129
section 2151.421 of the Revised Code. On receipt of a notice under 44130
section 2930.061 or 5123.541 of the Revised Code, the department 44131
shall review the notice. 44132

44133

(B) The department shall do both of the following: 44134

(1) Investigate the allegation or adopt the findings of an 44135
investigation or review of the allegation conducted by another 44136
person or government entity and determine whether there is a 44137
reasonable basis for the allegation; 44138

(2) If the department determines that there is a reasonable 44139
basis for the allegation, conduct an adjudication pursuant to 44140
Chapter 119. of the Revised Code. 44141

(C)(1) The department shall appoint an independent hearing 44142
officer to conduct any hearing conducted pursuant to division 44143
(B)(2) of this section, except that, if the hearing is regarding 44144
an employee of the department who is represented by a union, the 44145
department and a representative of the union shall jointly select 44146
the hearing officer. 44147

(2)(a) Except as provided in division (C)(2)(b) of this 44148
section, no hearing shall be conducted under division (B)(2) of 44149
this section until any criminal proceeding or collective 44150
bargaining arbitration concerning the same allegation has 44151
concluded. 44152

(b) The department may conduct a hearing pursuant to division 44153
(B)(2) of this section before a criminal proceeding concerning the 44154

same allegation is concluded if both of the following are the 44155
case: 44156

(i) The department notifies the prosecutor responsible for 44157
the criminal proceeding that the department proposes to conduct a 44158
hearing. 44159

(ii) The prosecutor consents to the hearing. 44160

(3) In conducting a hearing pursuant to division (B)(2) of 44161
this section, the hearing officer shall do all of the following: 44162

(a) Determine whether there is clear and convincing evidence 44163
that the MR/DD employee has done any of the following: 44164

(i) Misappropriated property of one or more individuals with 44165
mental retardation or a developmental disability that has a value, 44166
either separately or taken together, of one hundred dollars or 44167
more; 44168

(ii) Misappropriated property of an individual with mental 44169
retardation or a developmental disability that is designed to be 44170
used as a check, draft, negotiable instrument, credit card, charge 44171
card, or device for initiating an electronic fund transfer at a 44172
point of sale terminal, automated teller machine, or cash 44173
dispensing machine; 44174

(iii) Knowingly abused such an individual; 44175

(iv) Recklessly abused or neglected such an individual, with 44176
resulting physical harm; 44177

(v) Negligently abused or neglected such an individual, with 44178
resulting serious physical harm; 44179

(vi) Recklessly neglected such an individual, creating a 44180
substantial risk of serious physical harm; 44181

(vii) Engaged in sexual conduct or had sexual contact with an 44182
individual with mental retardation or another developmental 44183
disability who was not the MR/DD employee's spouse and for whom 44184

the MR/DD employee was employed or under a contract to provide 44185
care; 44186

(viii) Unreasonably failed to make a report pursuant to 44187
division (C) of section 5123.61 of the Revised Code when the 44188
employee knew or should have known that the failure would result 44189
in a substantial risk of harm to an individual with mental 44190
retardation or a developmental disability. 44191

(b) Give weight to the decision in any collective bargaining 44192
arbitration regarding the same allegation; 44193

(c) Give weight to any relevant facts presented at the 44194
hearing. 44195

(D)(1) Unless the director of mental retardation and 44196
developmental disabilities determines that there are extenuating 44197
circumstances and except as provided in division (E) of this 44198
section, if the director, after considering all of the factors 44199
listed in division (C)(3) of this section, finds that there is 44200
clear and convincing evidence that an MR/DD employee has done one 44201
or more of the things described in division (C)(3)(a) of this 44202
section the director shall include the name of the employee in the 44203
registry established under section 5123.52 of the Revised Code. 44204

(2) Extenuating circumstances the director must consider 44205
include the use of physical force by an MR/DD employee that was 44206
necessary as self-defense. 44207

(3) If the director includes an MR/DD employee in the 44208
registry established under section 5123.52 of the Revised Code, 44209
the director shall notify the employee, the person or government 44210
entity that employs or contracts with the employee, the individual 44211
with mental retardation or a developmental disability who was the 44212
subject of the report and that individual's legal guardian, if 44213
any, the attorney general, and the prosecuting attorney or other 44214
law enforcement agency. If the MR/DD employee holds a license, 44215

certificate, registration, or other authorization to engage in a 44216
profession issued pursuant to Title XLVII of the Revised Code, the 44217
director shall notify the appropriate agency, board, department, 44218
or other entity responsible for regulating the employee's 44219
professional practice. 44220

(4) If an individual whose name appears on the registry is 44221
involved in a court proceeding or arbitration arising from the 44222
same facts as the allegation resulting in the individual's 44223
placement on the registry, the disposition of the proceeding or 44224
arbitration shall be noted in the registry next to the 44225
individual's name. 44226

(E) In the case of an allegation concerning an employee of 44227
the department, after the hearing conducted pursuant to division 44228
(B)(2) of this section, the director of health or that director's 44229
designee shall review the decision of the hearing officer to 44230
determine whether the standard described in division (C)(3) of 44231
this section has been met. If the director or designee determines 44232
that the standard has been met and that no extenuating 44233
circumstances exist, the director or designee shall notify the 44234
director of mental retardation and developmental disabilities that 44235
the MR/DD employee is to be included in the registry established 44236
under section 5123.52 of the Revised Code. If the director of 44237
mental retardation and developmental disabilities receives such 44238
notification, the director shall include the MR/DD employee in the 44239
registry and shall provide the notification described in division 44240
(D)(3) of this section. 44241

(F) If the department is required by Chapter 119. of the 44242
Revised Code to give notice of an opportunity for a hearing and 44243
the MR/DD employee subject to the notice does not timely request a 44244
hearing in accordance with section 119.07 or 5123.0414 of the 44245
Revised Code, the department is not required to hold a hearing. 44246

(G) Files and records of investigations conducted pursuant to 44247

this section are not public records as defined in section 149.43 44248
of the Revised Code, but, on request, the department shall provide 44249
copies of those files and records to the attorney general, a 44250
prosecuting attorney, or a law enforcement agency. 44251

Sec. 5123.60. (A) A legal rights service is hereby created 44252
and established to protect and advocate the rights of mentally ill 44253
persons, mentally retarded persons, developmentally disabled 44254
persons, and other disabled persons who may be represented by the 44255
service pursuant to division (L) of this section; to receive and 44256
act upon complaints concerning institutional and hospital 44257
practices and conditions of institutions for mentally retarded or 44258
developmentally disabled persons and hospitals for the mentally 44259
ill; and to assure that all persons detained, hospitalized, 44260
discharged, or institutionalized, and all persons whose detention, 44261
hospitalization, discharge, or institutionalization is sought or 44262
has been sought under this chapter or Chapter 5122. of the Revised 44263
Code are fully informed of their rights and adequately represented 44264
by counsel in proceedings under this chapter or Chapter 5122. of 44265
the Revised Code and in any proceedings to secure the rights of 44266
those persons. Notwithstanding the definitions of "mentally 44267
retarded person" and "developmentally disabled person" in section 44268
5123.01 of the Revised Code, the legal rights service shall 44269
determine who is a mentally retarded or developmentally disabled 44270
person for purposes of this section and sections 5123.601 to 44271
5123.604 of the Revised Code. 44272

(B)(1) In regard to those persons detained, hospitalized, or 44273
institutionalized under Chapter 5122. of the Revised Code, the 44274
legal rights service shall undertake formal representation only of 44275
those persons who are involuntarily detained, hospitalized, or 44276
institutionalized pursuant to sections 5122.10 to 5122.15 of the 44277
Revised Code, and those voluntarily detained, hospitalized, or 44278
institutionalized who are minors, who have been adjudicated 44279

incompetent, who have been detained, hospitalized, or 44280
institutionalized in a public hospital, or who have requested 44281
representation by the legal rights service. ~~¶~~ 44282

(2) If a person referred to in division (A) of this section 44283
voluntarily requests in writing that the legal rights service 44284
terminate participation in the person's case, such involvement 44285
shall cease. 44286

(3) Persons described in divisions (A) and (B)(1) of this 44287
section who are represented by the legal rights service are 44288
clients of the legal rights service. 44289

(C) Any person voluntarily hospitalized or institutionalized 44290
in a public hospital under division (A) of section 5122.02 of the 44291
Revised Code, after being fully informed of the person's rights 44292
under division (A) of this section, may, by written request, waive 44293
assistance by the legal rights service if the waiver is knowingly 44294
and intelligently made, without duress or coercion. 44295

The waiver may be rescinded at any time by the voluntary 44296
patient or resident, or by the voluntary patient's or resident's 44297
legal guardian. 44298

(D)(1) The legal rights service commission is hereby created 44299
for the purposes of appointing an administrator of the legal 44300
rights service, advising the administrator, assisting the 44301
administrator in developing a budget, advising the administrator 44302
in establishing and annually reviewing a strategic plan, creating 44303
a procedure for filing and determination of grievances against the 44304
legal rights service, and establishing general policy guidelines, 44305
including guidelines for the commencement of litigation, for the 44306
legal rights service. The commission may adopt rules to carry 44307
these purposes into effect and may receive and act upon appeals of 44308
personnel decisions by the administrator. 44309

(2) The commission shall consist of seven members. One 44310

member, who shall serve as chairperson, shall be appointed by the 44311
chief justice of the supreme court, three members shall be 44312
appointed by the speaker of the house of representatives, and 44313
three members shall be appointed by the president of the senate. 44314
At least two members shall have experience in the field of 44315
developmental disabilities, and at least two members shall have 44316
experience in the field of mental health. No member shall be a 44317
provider or related to a provider of services to mentally 44318
retarded, developmentally disabled, or mentally ill persons. 44319

(3) Terms of office of the members of the commission shall be 44320
for three years, each term ending on the same day of the month of 44321
the year as did the term which it succeeds. Each member shall 44322
serve subsequent to the expiration of the member's term until a 44323
successor is appointed and qualifies, or until sixty days has 44324
elapsed, whichever occurs first. No member shall serve more than 44325
two consecutive terms. 44326

All vacancies in the membership of the commission shall be 44327
filled in the manner prescribed for regular appointments to the 44328
commission and shall be limited to the unexpired terms. 44329

(4) The commission shall meet at least four times each year. 44330
Members shall be reimbursed for their necessary and actual 44331
expenses incurred in the performance of their official duties. 44332

(5) The administrator of the legal rights service shall serve 44333
at the pleasure of the commission. 44334

The administrator shall be ~~a person who has had special~~ 44335
~~training and experience in the type of work with which the legal~~ 44336
~~rights service is charged. If the administrator is not an~~ 44337
~~attorney, the administrator shall seek legal counsel when~~ 44338
~~appropriate~~ an attorney admitted to practice law in this state. 44339
The salary of the administrator shall be established in accordance 44340
with section 124.14 of the Revised Code. 44341

(E) The legal rights service shall be completely independent 44342
of the department of mental health and the department of mental 44343
retardation and developmental disabilities and, notwithstanding 44344
section 109.02 of the Revised Code, shall also be independent of 44345
the office of the attorney general. The administrator of the legal 44346
rights service, staff, and attorneys designated by the 44347
administrator to represent persons detained, hospitalized, or 44348
institutionalized under this chapter or Chapter 5122. of the 44349
Revised Code shall have ready access to the following: 44350

(1) During normal business hours and at other reasonable 44351
times, all records, except records of community residential 44352
facilities and records of contract agencies of county boards of 44353
mental retardation and developmental disabilities and boards of 44354
alcohol, drug addiction and mental health services, relating to 44355
expenditures of state and federal funds or to the commitment, 44356
care, treatment, and habilitation of all persons represented by 44357
the legal rights service, including those who may be represented 44358
pursuant to division (L) of this section, or persons detained, 44359
hospitalized, institutionalized, or receiving services under this 44360
chapter or Chapter 340., 5119., 5122., or 5126. of the Revised 44361
Code that are records maintained by the following entities 44362
providing services for those persons: departments; institutions; 44363
hospitals; ~~community residential facilities;~~ boards of alcohol, 44364
drug addiction, and mental health services; county boards of 44365
mental retardation and developmental disabilities; ~~contract~~ 44366
~~agencies of those boards;~~ and any other entity providing services 44367
to persons who may be represented by the service pursuant to 44368
division (L) of this section; 44369

(2) Any records maintained in computerized data banks of the 44370
departments or boards or, in the case of persons who may be 44371
represented by the service pursuant to division (L) of this 44372
section, any other entity that provides services to those persons; 44373

(3) During their normal working hours, personnel of the 44374
departments, facilities, boards, agencies, institutions, 44375
hospitals, and other service-providing entities; 44376

(4) At any time, all persons detained, hospitalized, or 44377
institutionalized; persons receiving services under this chapter 44378
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 44379
persons who may be represented by the service pursuant to division 44380
(L) of this section. 44381

(5) Records of a community residential facility, a contract 44382
agency of a board of alcohol, drug addiction, and mental health 44383
services, or a contract agency of a county board of mental 44384
retardation and developmental disabilities with one of the 44385
following consents: 44386

(a) The consent of the person, including when the person is a 44387
minor or has been adjudicated incompetent; 44388

(b) The consent of the person's guardian of the person, if 44389
any, or the parent if the person is a minor; 44390

(c) No consent, if the person is unable to consent for any 44391
reason, and the guardian of the person, if any, or the parent of 44392
the minor, has refused to consent or has not responded to a 44393
request for consent and either of the following has occurred: 44394

(i) A complaint regarding the person has been received by the 44395
legal rights service; 44396

(ii) The legal rights service has determined that there is 44397
probable cause to believe that such person has been subjected to 44398
abuse or neglect. 44399

(F) The administrator of the legal rights service shall do 44400
the following: 44401

(1) Administer and organize the work of the legal rights 44402
service and establish administrative or geographic divisions as 44403

the administrator considers necessary, proper, and expedient; 44404

(2) Adopt and promulgate rules that are not in conflict with 44405
rules adopted by the commission and prescribe duties for the 44406
efficient conduct of the business and general administration of 44407
the legal rights service; 44408

(3) Appoint and discharge employees, and hire experts, 44409
consultants, advisors, or other professionally qualified persons 44410
as the administrator considers necessary to carry out the duties 44411
of the legal rights service; 44412

(4) Apply for and accept grants of funds, and accept 44413
charitable gifts and bequests; 44414

(5) Prepare and submit a budget to the general assembly for 44415
the operation of the legal rights service. At least thirty days 44416
prior to submitting the budget to the general assembly, the 44417
administrator shall provide a copy of the budget to the commission 44418
for review and comment. When submitting the budget to the general 44419
assembly, the administrator shall include a copy of any written 44420
comments returned by the commission to the administrator. 44421

(6) Enter into contracts and make expenditures necessary for 44422
the efficient operation of the legal rights service; 44423

(7) Annually prepare a report of activities and submit copies 44424
of the report to the governor, the chief justice of the supreme 44425
court, the president of the senate, the speaker of the house of 44426
representatives, the director of mental health, and the director 44427
of mental retardation and developmental disabilities, and make the 44428
report available to the public; 44429

(8) Upon request of the commission or of the chairperson of 44430
the commission, report to the commission on specific litigation 44431
issues or activities. 44432

(G)(1) The legal rights service may act directly or contract 44433

with other organizations or individuals for the provision of the 44434
services envisioned under this section. 44435

(2) Whenever possible, the administrator shall attempt to 44436
facilitate the resolution of complaints through administrative 44437
channels. Subject to division (G)(3) of this section, if attempts 44438
at administrative resolution prove unsatisfactory, the 44439
administrator may pursue any legal, administrative, and other 44440
appropriate remedies or approaches that may be necessary to 44441
accomplish the purposes of this section. 44442

(3) The administrator may not pursue a class action lawsuit 44443
under division (G)(2) of this section when attempts at 44444
administrative resolution of a complaint prove unsatisfactory 44445
under that division unless both of the following have first 44446
occurred: 44447

(a) At least four members of the commission, by their 44448
affirmative vote, have consented to the pursuit of the class 44449
action lawsuit; 44450

(b) At least five members of the commission are present at 44451
the meeting of the commission at which that consent is obtained. 44452

(4) All records received or maintained by the legal rights 44453
service in connection with any investigation, representation, or 44454
other activity under this section shall be confidential and shall 44455
not be disclosed except as authorized by the person represented by 44456
the legal rights service or, subject to any privilege, a guardian 44457
of the person or parent of the minor. Subject to division (G)(5) 44458
of this section, relationships between personnel and the agents of 44459
the legal rights service and its clients shall be fiduciary 44460
relationships, and all communications shall be ~~confidential,~~ 44461
privileged as if between attorney and client. 44462

(5) Any person who has been represented by the legal rights 44463
service or who has applied for and been denied representation and 44464

who files a grievance with the service concerning the 44465
representation or application may appeal the decision of the 44466
service on the grievance to the commission. The person may appeal 44467
notwithstanding any objections of the person's legal guardian. The 44468
commission may examine any records relevant to the appeal and 44469
shall maintain the confidentiality of any records that are 44470
required to be kept confidential. 44471

(H) The legal rights service, on the order of the 44472
administrator, with the approval by an affirmative vote of at 44473
least four members of the commission, may compel by subpoena the 44474
appearance and sworn testimony of any person the administrator 44475
reasonably believes may be able to provide information or to 44476
produce any documents, books, records, papers, or other 44477
information necessary to carry out its duties. On the refusal of a 44478
witness to produce or authenticate any requested documents, or if 44479
a person disobeys a subpoena, the legal rights service may apply 44480
to the Franklin county court of common pleas for a contempt order, 44481
as in the case of disobedience of the requirements of a subpoena 44482
issued from the court, or a refusal to testify in the court. 44483

(I) The legal rights service may conduct public hearings. 44484

(J) The legal rights service may request from any 44485
governmental agency any cooperation, assistance, services, or data 44486
that will enable it to perform its duties. 44487

(K) In any malpractice action filed against the administrator 44488
of the legal rights service, a member of the staff of the legal 44489
rights service, or an attorney designated by the administrator to 44490
perform legal services under division (E) of this section, the 44491
state shall, when the administrator, member, or attorney has acted 44492
in good faith and in the scope of employment, indemnify the 44493
administrator, member, or attorney for any judgment awarded or 44494
amount negotiated in settlement, and for any court costs or legal 44495
fees incurred in defense of the claim. 44496

This division does not limit or waive, and shall not be construed to limit or waive, any defense that is available to the legal rights service, its administrator or employees, persons under a personal services contract with it, or persons designated under division (E) of this section, including, but not limited to, any defense available under section 9.86 of the Revised Code.

(L) In addition to providing services to mentally ill, mentally retarded, or developmentally disabled persons, when a grant authorizing the provision of services to other individuals is accepted pursuant to division (F)(4) of this section, the legal rights service and its ombudsperson section may provide advocacy or ombudsperson services to those other individuals and exercise any other authority granted by this section or sections 5123.601 to 5123.604 of the Revised Code on behalf of those individuals. Determinations of whether an individual is eligible for services under this division shall be made by the legal rights service.

Sec. 5123.602. ~~The ombudsman~~ (A) Except as provided in division (B) of this section, the ombudsperson section of the legal rights service may, in order to carry out its duties under this chapter, make necessary inquiries and obtain information it considers necessary. ~~For those purposes~~ Upon receiving a complaint and in the course of conducting an investigation in accordance with division (B) of section 5123.601 of the Revised Code, the section shall have ready access to the premises and records of all providers of services to mentally retarded, developmentally disabled, or mentally ill persons and shall have the right to communicate in a private and confidential setting with any mentally retarded, developmentally disabled, or mentally ill persons, with their parents, guardians, or advocates, and with employees of any provider.

(B) Records held by community residential facilities,

contract agencies of boards of alcohol, drug addiction, and mental health services, and contract agencies of county boards of mental retardation and developmental disabilities shall only be accessible by the ombudsperson section of the legal rights service in a situation as described in division (E)(5) of section 5123.60 of the Revised Code.

Sec. 5123.605. There is hereby created in the state treasury the program income fund. Revenue generated from settlements, gifts, donations, and other sources of legal rights service program income shall be credited to the fund. The program income fund shall be used to support legal rights service programs for purposes from which the income was derived and for the general support of legal rights service programs.

Sec. 5123.99. (A) Whoever violates section 5123.16 or 5123.20 of the Revised Code is guilty of a misdemeanor of the first degree.

(B) Whoever violates division (C), (E), or (G)(3) of section 5123.61 of the Revised Code is guilty of a misdemeanor of the fourth degree or, if the abuse or neglect constitutes a felony, a misdemeanor of the second degree. In addition to any other sanction or penalty authorized or required by law, if a person who is convicted of or pleads guilty to a violation of division (C), (E), or (G)(3) of section 5123.61 of the Revised Code is an MR/DD employee, as defined in section 5123.50 of the Revised Code, the offender shall be eligible to be included in the registry regarding misappropriation, abuse, neglect, or other specified misconduct by MR/DD employees established under section 5123.52 of the Revised Code.

(C) Whoever violates division (A) of section 5123.604 of the Revised Code is guilty of a misdemeanor of the second degree.

(D) Whoever violates division (B) of section 5123.604 of the Revised Code shall be fined not more than one thousand dollars. Each violation constitutes a separate offense.

Sec. 5126.038. (A)~~(1)~~ As used in this section, "professional services" means all of the following services provided on behalf of a county board of mental retardation and developmental disabilities, members or employees of a county board, or both:

~~(a)~~(1) Lobbying and other governmental affairs services;

~~(b)~~(2) Legal services other than the legal services provided by a county prosecutor or provided for the purpose of collective bargaining;

~~(c)~~(3) Public relation services;

~~(d)~~(4) Consulting services;

~~(e)~~(5) Personnel training services, not including tuition or professional growth reimbursement programs for county board members or employees.

~~(2) "Professional services" does not mean services provided pursuant to a service contract as defined in section 5126.035 of the Revised Code.~~

(B) Each county board of mental retardation and developmental disabilities shall submit to the board of county commissioners of each county that is served by the county board, in accordance with the normal budget process and as part of its budget request, a list identifying the total expenditures projected for any of the following:

(1) Any membership dues of the members or employees of the county board, in any organization, association, or other entity;

(2) Any professional services of the county board, its members or employees, or both;

(3) Any training of the members or employees of the county board. 44587
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Sec. 5126.042. (A) As used in this section, "emergency" means 44589
any situation that creates for an individual with mental 44590
retardation or developmental disabilities a risk of substantial 44591
self-harm or substantial harm to others if action is not taken 44592
within thirty days. An "emergency" may include one or more of the 44593
following situations: 44594

(1) Loss of present residence for any reason, including legal 44595
action; 44596

(2) Loss of present caretaker for any reason, including 44597
serious illness of the caretaker, change in the caretaker's 44598
status, or inability of the caretaker to perform effectively for 44599
the individual; 44600

(3) Abuse, neglect, or exploitation of the individual; 44601

(4) Health and safety conditions that pose a serious risk to 44602
the individual or others of immediate harm or death; 44603

(5) Change in the emotional or physical condition of the 44604
individual that necessitates substantial accommodation that cannot 44605
be reasonably provided by the individual's existing caretaker. 44606

(B) If a county board of mental retardation and developmental 44607
disabilities determines that available resources are not 44608
sufficient to meet the needs of all individuals who request 44609
programs and services and may be offered the programs and 44610
services, it shall establish waiting lists for services. The board 44611
may establish priorities for making placements on its waiting 44612
lists according to an individual's emergency status and shall 44613
establish priorities in accordance with divisions (D) and (E) of 44614
this section. 44615

The individuals who may be placed on a waiting list include 44616

individuals with a need for services on an emergency basis and 44617
individuals who have requested services for which resources are 44618
not available. 44619

Except for an individual who is to receive priority for 44620
services pursuant to division (D)(3) of this section, an 44621
individual who currently receives a service but would like to 44622
change to another service shall not be placed on a waiting list 44623
but shall be placed on a service substitution list. The board 44624
shall work with the individual, service providers, and all 44625
appropriate entities to facilitate the change in service as 44626
expeditiously as possible. The board may establish priorities for 44627
making placements on its service substitution lists according to 44628
an individual's emergency status. 44629

In addition to maintaining waiting lists and service 44630
substitution lists, a board shall maintain a long-term service 44631
planning registry for individuals who wish to record their 44632
intention to request in the future a service they are not 44633
currently receiving. The purpose of the registry is to enable the 44634
board to document requests and to plan appropriately. The board 44635
may not place an individual on the registry who meets the 44636
conditions for receipt of services on an emergency basis. 44637

(C) A county board shall establish a separate waiting list 44638
for each of the following categories of services, and may 44639
establish separate waiting lists within the waiting lists: 44640

(1) Early childhood services; 44641

(2) Educational programs for preschool and school age 44642
children; 44643

(3) Adult services; 44644

(4) Service and support administration; 44645

(5) Residential services and supported living; 44646

(6) Transportation services;	44647
(7) Other services determined necessary and appropriate for persons with mental retardation or a developmental disability according to their individual habilitation or service plans;	44648 44649 44650
(8) Family support services provided under section 5126.11 of the Revised Code.	44651 44652
(D) Except as provided in division (G) of this section, a county board shall do, as priorities, all of the following in accordance with the assessment component, approved under section 5123.046 of the Revised Code, of the county board's plan developed under section 5126.054 of the Revised Code:	44653 44654 44655 44656 44657
(1) For the purpose of obtaining additional federal medicaid funds for home and community-based services and medicaid case management services, do both of the following:	44658 44659 44660
(a) Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under division (C) of this section for home and community-based services that include supported living, residential services, or family support services:	44661 44662 44663 44664 44665 44666
(i) Is twenty-two years of age or older;	44667
(ii) Receives supported living or family support services.	44668
(b) Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under division (C) of this section for home and community-based services that include adult services:	44669 44670 44671 44672 44673
(i) Resides in the individual's own home or the home of the individual's family and will continue to reside in that home after enrollment in home and community-based services;	44674 44675 44676

(ii) Receives adult services from the county board. 44677

(2) As federal medicaid funds become available pursuant to 44678
division (D)(1) of this section, give an individual who is 44679
eligible for home and community-based services and meets any of 44680
the following requirements priority for such services over any 44681
other individual on a waiting list established under division (C) 44682
of this section: 44683

(a) Does not receive residential services or supported 44684
living, either needs services in the individual's current living 44685
arrangement or will need services in a new living arrangement, and 44686
has a primary caregiver who is sixty years of age or older; 44687

(b) Is less than twenty-two years of age and has at least one 44688
of the following service needs that are unusual in scope or 44689
intensity: 44690

(i) Severe behavior problems for which a behavior support 44691
plan is needed; 44692

(ii) An emotional disorder for which anti-psychotic 44693
medication is needed; 44694

(iii) A medical condition that leaves the individual 44695
dependent on life-support medical technology; 44696

(iv) A condition affecting multiple body systems for which a 44697
combination of specialized medical, psychological, educational, or 44698
habilitation services are needed; 44699

(v) A condition the county board determines to be comparable 44700
in severity to any condition described in ~~division~~ divisions 44701
(D)(2)(b)(i) to (iv) of this section and places the individual at 44702
significant risk of institutionalization. 44703

(c) Is twenty-two years of age or older, does not receive 44704
residential services or supported living, and is determined by the 44705
county board to have intensive needs for home and community-based 44706

services on an in-home or out-of-home basis. 44707

(3) In fiscal years 2002 and 2003, give an individual who is 44708
eligible for home and community-based services, resides in an 44709
intermediate care facility for the mentally retarded or nursing 44710
facility, chooses to move to another setting with the help of home 44711
and community-based services, and has been determined by the 44712
department of mental retardation and developmental disabilities to 44713
be capable of residing in the other setting, priority over any 44714
other individual on a waiting list established under division (C) 44715
of this section for home and community-based services who does not 44716
meet these criteria. The department of mental retardation and 44717
developmental disabilities shall identify the individuals to 44718
receive priority under division (D)(3) of this section, assess the 44719
needs of the individuals, and notify the county boards that are to 44720
provide the individuals priority under division (D)(3) of this 44721
section of the individuals identified by the department and the 44722
individuals' assessed needs. 44723

(E) Except as provided in division (G) of this section and 44724
for a number of years and beginning on a date specified in rules 44725
adopted under division (K) of this section, a county board shall 44726
give an individual who is eligible for home and community-based 44727
services, resides in a nursing facility, and chooses to move to 44728
another setting with the help of home and community-based 44729
services, priority over any other individual on a waiting list 44730
established under division (C) of this section for home and 44731
community-based services who does not meet these criteria. 44732

(F) If two or more individuals on a waiting list established 44733
under division (C) of this section for home and community-based 44734
services have priority for the services pursuant to division 44735
(D)(1) or (2) or (E) of this section, a county board may use, 44736
until December 31, ~~2007~~ 2009, criteria specified in rules adopted 44737
under division (K)(2) of this section in determining the order in 44738

which the individuals with priority will be offered the services. 44739
Otherwise, the county board shall offer the home and 44740
community-based services to such individuals in the order they are 44741
placed on the waiting list. 44742

(G)(1) No individual may receive priority for services 44743
pursuant to division (D) or (E) of this section over an individual 44744
placed on a waiting list established under division (C) of this 44745
section on an emergency status. 44746

(2) No more than four hundred individuals in the state may 44747
receive priority for services during the ~~2006~~ 2008 and ~~2007~~ 2009 44748
biennium pursuant to division (D)(2)(b) of this section. 44749

(3) No more than a total of seventy-five individuals in the 44750
state may receive priority for services during state fiscal years 44751
2002 and 2003 pursuant to division (D)(3) of this section. 44752

(4) No more than forty individuals in the state may receive 44753
priority for services pursuant to division (E) of this section for 44754
each year that priority category is in effect as specified in 44755
rules adopted under division (K) of this section. 44756

(H) Prior to establishing any waiting list under this 44757
section, a county board shall develop and implement a policy for 44758
waiting lists that complies with this section and rules adopted 44759
under division (K) of this section. 44760

Prior to placing an individual on a waiting list, the county 44761
board shall assess the service needs of the individual in 44762
accordance with all applicable state and federal laws. The county 44763
board shall place the individual on the appropriate waiting list 44764
and may place the individual on more than one waiting list. The 44765
county board shall notify the individual of the individual's 44766
placement and position on each waiting list on which the 44767
individual is placed. 44768

At least annually, the county board shall reassess the 44769

service needs of each individual on a waiting list. If it 44770
determines that an individual no longer needs a program or 44771
service, the county board shall remove the individual from the 44772
waiting list. If it determines that an individual needs a program 44773
or service other than the one for which the individual is on the 44774
waiting list, the county board shall provide the program or 44775
service to the individual or place the individual on a waiting 44776
list for the program or service in accordance with the board's 44777
policy for waiting lists. 44778

When a program or service for which there is a waiting list 44779
becomes available, the county board shall reassess the service 44780
needs of the individual next scheduled on the waiting list to 44781
receive that program or service. If the reassessment demonstrates 44782
that the individual continues to need the program or service, the 44783
board shall offer the program or service to the individual. If it 44784
determines that an individual no longer needs a program or 44785
service, the county board shall remove the individual from the 44786
waiting list. If it determines that an individual needs a program 44787
or service other than the one for which the individual is on the 44788
waiting list, the county board shall provide the program or 44789
service to the individual or place the individual on a waiting 44790
list for the program or service in accordance with the board's 44791
policy for waiting lists. The county board shall notify the 44792
individual of the individual's placement and position on the 44793
waiting list on which the individual is placed. 44794

(I) A child subject to a determination made pursuant to 44795
section 121.38 of the Revised Code who requires the home and 44796
community-based services provided through a medicaid component 44797
that the department of mental retardation and developmental 44798
disabilities administers under section 5111.871 of the Revised 44799
Code shall receive services through that medicaid component. For 44800
all other services, a child subject to a determination made 44801

pursuant to section 121.38 of the Revised Code shall be treated as 44802
an emergency by the county boards and shall not be subject to a 44803
waiting list. 44804

(J) Not later than the fifteenth day of March of each 44805
even-numbered year, each county board shall prepare and submit to 44806
the director of mental retardation and developmental disabilities 44807
its recommendations for the funding of services for individuals 44808
with mental retardation and developmental disabilities and its 44809
proposals for reducing the waiting lists for services. 44810

(K)(1) The department of mental retardation and developmental 44811
disabilities shall adopt rules in accordance with Chapter 119. of 44812
the Revised Code governing waiting lists established under this 44813
section. The rules shall include procedures to be followed to 44814
ensure that the due process rights of individuals placed on 44815
waiting lists are not violated. 44816

(2) As part of the rules adopted under this division, the 44817
department shall adopt rules establishing criteria a county board 44818
may use under division (F) of this section in determining the 44819
order in which individuals with priority for home and 44820
community-based services will be offered the services. The rules 44821
shall also specify conditions under which a county board, when 44822
there is no individual with priority for home and community-based 44823
services pursuant to division (D)(1) or (2) or (E) of this section 44824
available and appropriate for the services, may offer the services 44825
to an individual on a waiting list for the services but not given 44826
such priority for the services. The rules adopted under division 44827
(K)(2) of this section shall cease to have effect December 31, 44828
~~2007~~ 2009. 44829

(3) As part of the rules adopted under this division, the 44830
department shall adopt rules specifying both of the following for 44831
the priority category established under division (E) of this 44832
section: 44833

(a) The number of years, which shall not exceed five, that the priority category will be in effect; 44834
44835

(b) The date that the priority category is to go into effect. 44836

(L) The following shall take precedence over the applicable provisions of this section: 44837
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(1) Medicaid rules and regulations; 44839

(2) Any specific requirements that may be contained within a medicaid state plan amendment or waiver program that a county board has authority to administer or with respect to which it has authority to provide services, programs, or supports. 44840
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Sec. 5126.046. (A) Each 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 habilitation, vocational, or community employment services provided as part of home and community-based services shall create a list of all persons and government entities eligible to provide such habilitation, vocational, or community employment services. If the county board chooses and is eligible to provide such habilitation, vocational, or community employment services, the county board shall include itself on the list. The county board shall make the list available to each individual with mental retardation or other developmental disability who resides in the county and is eligible for such habilitation, vocational, or community employment services. The county board shall also make the list available to such individuals' families. 44844
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An individual with mental retardation or other developmental disability who is eligible for habilitation, vocational, or community employment services may choose the provider of the services. 44860
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~~A county board that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for habilitation, vocational, and community employment services provided as part of home and community based services shall pay the nonfederal share of the habilitation, vocational, and community employment services when required by section 5126.057 of the Revised Code. The department of mental retardation and developmental disabilities shall pay the nonfederal share of such habilitation, vocational, and community employment services when required by section 5123.047 of the Revised Code.~~

(B) Each month, the department of mental retardation and developmental disabilities shall create a list of all persons and government entities eligible to provide residential services and supported living. The department shall include on the list all residential facilities licensed under section 5123.19 of the Revised Code and all supported living providers certified under section ~~5126.431~~ 5123.161 of the Revised Code. The department shall distribute the monthly lists to county boards that have local administrative authority under division (A) of section 5126.055 of the Revised Code for residential services and supported living provided as part of home and community-based services. A county board that receives a list shall make it available to each individual with mental retardation or other developmental disability who resides in the county and is eligible for such residential services or supported living. The county board shall also make the list available to the families of those individuals.

An individual who is eligible for residential services or supported living may choose the provider of the residential services or supported living.

~~A county board that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised~~

~~Code for residential services and supported living provided as 44896
part of home and community based services shall pay the nonfederal 44897
share of the residential services and supported living when 44898
required by section 5126.057 of the Revised Code. The department 44899
shall pay the nonfederal share of the residential services and 44900
supported living when required by section 5123.047 of the Revised 44901
Code. 44902~~

(C) If a county board that has medicaid local administrative 44903
authority under division (A) of section 5126.055 of the Revised 44904
Code for home and community-based services violates the right 44905
established by this section of an individual to choose a provider 44906
that is qualified and willing to provide services to the 44907
individual, the individual shall receive timely notice that the 44908
individual may request a hearing under section 5101.35 of the 44909
Revised Code. 44910

(D) The departments of mental retardation and developmental 44911
disabilities and job and family services shall adopt rules in 44912
accordance with Chapter 119. of the Revised Code governing the 44913
implementation of this section. The rules shall include procedures 44914
for individuals to choose their service providers. The rules shall 44915
not be limited by a provider selection system established under 44916
section 5126.42 of the Revised Code, including any pool of 44917
providers created pursuant to a provider selection system. 44918

Sec. 5126.054. (A) Each county board of mental retardation 44919
and developmental disabilities shall, by resolution, develop a 44920
three-calendar year plan that includes the following four 44921
components: 44922

(1) An assessment component that includes all of the 44923
following: 44924

(a) The number of individuals with mental retardation or 44925
other developmental disability residing in the county who need the 44926

level of care provided by an intermediate care facility for the 44927
mentally retarded, may seek home and community-based services, are 44928
given priority for the services pursuant to division (D) of 44929
section 5126.042 of the Revised Code; the service needs of those 44930
individuals; and the projected annualized cost for services; 44931

(b) The source of funds available to the county board to pay 44932
the nonfederal share of medicaid expenditures that the county 44933
board is required by ~~division (A) of section 5126.057~~ sections 44934
5126.059 and 5126.0510 of the Revised Code to pay; 44935

(c) Any other applicable information or conditions that the 44936
department of mental retardation and developmental disabilities 44937
requires as a condition of approving the component under section 44938
5123.046 of the Revised Code. 44939

(2) A component that provides for the recruitment, training, 44940
and retention of existing and new direct care staff necessary to 44941
implement services included in individualized service plans, 44942
including behavior management services and health management 44943
services such as delegated nursing and other habilitation 44944
services, and protect the health and welfare of individuals 44945
receiving services included in the individual's individualized 44946
service plan by complying with safeguards for unusual and major 44947
unusual incidents, day-to-day program management, and other 44948
requirements the department shall identify. A county board shall 44949
develop this component in collaboration with providers of 44950
medicaid-funded services with which the county board contracts. A 44951
county board shall include all of the following in the component: 44952

(a) The source and amount of funds available for the 44953
component; 44954

(b) A plan and timeline for implementing the component with 44955
the medicaid providers under contract with the county board; 44956

(c) The mechanisms the county board shall use to ensure the 44957

financial and program accountability of the medicaid provider's 44958
implementation of the component. 44959

(3) A preliminary implementation component that specifies the 44960
number of individuals to be provided, during the first year that 44961
the plan is in effect, home and community-based services pursuant 44962
to the priority given to them under divisions (D)(1) and (2) of 44963
section 5126.042 of the Revised Code and the types of home and 44964
community-based services the individuals are to receive; 44965

(4) A component that provides for the implementation of 44966
medicaid case management services and home and community-based 44967
services for individuals who begin to receive the services on or 44968
after the date the plan is approved under section 5123.046 of the 44969
Revised Code. A county board shall include all of the following in 44970
the component: 44971

(a) If the department of mental retardation and developmental 44972
disabilities or department of job and family services requires, an 44973
agreement to pay the nonfederal share of medicaid expenditures 44974
that the county board is required by ~~division (A) of section~~ 44975
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to 44976
pay; 44977

(b) How the services are to be phased in over the period the 44978
plan covers, including how the county board will serve individuals 44979
on a waiting list established under division (C) of section 44980
5126.042 who are given priority status under division (D)(1) of 44981
that section; 44982

(c) Any agreement or commitment regarding the county board's 44983
funding of home and community-based services that the county board 44984
has with the department at the time the county board develops the 44985
component; 44986

(d) Assurances adequate to the department that the county 44987
board will comply with all of the following requirements: 44988

(i) To provide the types of home and community-based services 44989
specified in the preliminary implementation component required by 44990
division (A)(3) of this section to at least the number of 44991
individuals specified in that component; 44992

(ii) To use any additional funds the county board receives 44993
for the services to improve the county board's resource 44994
capabilities for supporting such services available in the county 44995
at the time the component is developed and to expand the services 44996
to accommodate the unmet need for those services in the county; 44997

(iii) To employ a business manager who is either a new 44998
employee who has earned at least a bachelor's degree in business 44999
administration or a current employee who has the equivalent 45000
experience of a bachelor's degree in business administration. If 45001
the county board will employ a new employee, the county board 45002
shall include in the component a timeline for employing the 45003
employee. 45004

(iv) To employ or contract with a medicaid services manager 45005
who is either a new employee who has earned at least a bachelor's 45006
degree or a current employee who has the equivalent experience of 45007
a bachelor's degree. If the county board will employ a new 45008
employee, the county board shall include in the component a 45009
timeline for employing the employee. Two or three county boards 45010
that have a combined total enrollment in county board services not 45011
exceeding one thousand individuals as determined pursuant to 45012
certifications made under division (B) of section 5126.12 of the 45013
Revised Code may satisfy this requirement by sharing the services 45014
of a medicaid services manager or using the services of a medicaid 45015
services manager employed by or under contract with a regional 45016
council that the county boards establish under section 5126.13 of 45017
the Revised Code. 45018

(e) An agreement to comply with the method, developed by 45019
rules adopted under section 5123.0413 of the Revised Code, of 45020

paying for extraordinary costs, including extraordinary costs for 45021
services to individuals with mental retardation or other 45022
developmental disability, and ensuring the availability of 45023
adequate funds in the event a county property tax levy for 45024
services for individuals with mental retardation or other 45025
developmental disability fails; 45026

(f) Programmatic and financial accountability measures and 45027
projected outcomes expected from the implementation of the plan; 45028

(g) Any other applicable information or conditions that the 45029
department requires as a condition of approving the component 45030
under section 5123.046 of the Revised Code. 45031

(B) For the purpose of obtaining the department's approval 45032
under section 5123.046 of the Revised Code of the plan the county 45033
board develops under division (A) of this section, a county board 45034
shall do all of the following: 45035

(1) Submit the components required by divisions (A)(1) and 45036
(2) of this section to the department not later than August 1, 45037
2001; 45038

(2) Submit the component required by division (A)(3) of this 45039
section to the department not later than January 31, 2002; 45040

(3) Submit the component required by division (A)(4) of this 45041
section to the department not later than July 1, 2002. 45042

(C) A county board whose plan developed under division (A) of 45043
this section is approved by the department under section 5123.046 45044
of the Revised Code shall update and renew the plan in accordance 45045
with a schedule the department shall develop. 45046

Sec. 5126.055. (A) Except as provided in section 5126.056 of 45047
the Revised Code, a county board of mental retardation and 45048
developmental disabilities has medicaid local administrative 45049
authority to, and shall, do all of the following for an individual 45050

with mental retardation or other developmental disability who 45051
resides in the county that the county board serves and seeks or 45052
receives home and community-based services: 45053

(1) Perform assessments and evaluations of the individual. As 45054
part of the assessment and evaluation process, the county board 45055
shall do all of the following: 45056

(a) Make a recommendation to the department of mental 45057
retardation and developmental disabilities on whether the 45058
department should approve or deny the individual's application for 45059
the services, including on the basis of whether the individual 45060
needs the level of care an intermediate care facility for the 45061
mentally retarded provides; 45062

(b) If the individual's application is denied because of the 45063
county board's recommendation and the individual requests a 45064
hearing under section 5101.35 of the Revised Code, present, with 45065
the department of mental retardation and developmental 45066
disabilities or department of job and family services, whichever 45067
denies the application, the reasons for the recommendation and 45068
denial at the hearing; 45069

(c) If the individual's application is approved, recommend to 45070
the departments of mental retardation and developmental 45071
disabilities and job and family services the services that should 45072
be included in the individual's individualized service plan and, 45073
if either department approves, reduces, denies, or terminates a 45074
service included in the individual's individualized service plan 45075
under section 5111.871 of the Revised Code because of the county 45076
board's recommendation, present, with the department that made the 45077
approval, reduction, denial, or termination, the reasons for the 45078
recommendation and approval, reduction, denial, or termination at 45079
a hearing under section 5101.35 of the Revised Code. 45080

(2) If the individual has been identified by the department 45081

of mental retardation and developmental disabilities as an 45082
individual to receive priority for home and community-based 45083
services pursuant to division (D)(3) of section 5126.042 of the 45084
Revised Code, assist the department in expediting the transfer of 45085
the individual from an intermediate care facility for the mentally 45086
retarded or nursing facility to the home and community-based 45087
services; 45088

(3) In accordance with the rules adopted under section 45089
5126.046 of the Revised Code, perform the county board's duties 45090
under that section regarding assisting the individual's right to 45091
choose a qualified and willing provider of the services and, at a 45092
hearing under section 5101.35 of the Revised Code, present 45093
evidence of the process for appropriate assistance in choosing 45094
providers; 45095

~~(4) Unless the county board provides the services under 45096
division (A)(5) of this section, contract with the person or 45097
government entity the individual chooses in accordance with 45098
section 5126.046 of the Revised Code to provide the services if 45099
the person or government entity is qualified and agrees to provide 45100
the services. The contract shall contain all the provisions 45101
required by section 5126.035 of the Revised Code and require the 45102
provider to agree to furnish, in accordance with the provider's 45103
medicaid provider agreement and for the authorized reimbursement 45104
rate, the services the individual requires. 45105~~

~~(5)~~ If the county board is certified under section ~~5123.16~~ 45106
5123.161 of the Revised Code to provide the services and agrees to 45107
provide the services to the individual and the individual chooses 45108
the county board to provide the services, furnish, in accordance 45109
with the county board's medicaid provider agreement and for the 45110
authorized reimbursement rate, the services the individual 45111
requires; 45112

~~(6)~~(5) Monitor the services provided to the individual and 45113

ensure the individual's health, safety, and welfare. The 45114
monitoring shall include quality assurance activities. If the 45115
county board provides the services, the department of mental 45116
retardation and developmental disabilities shall also monitor the 45117
services. 45118

~~(7)~~(6) Develop, with the individual and the provider of the 45119
individual's services, an effective individualized service plan 45120
that includes coordination of services, recommend that the 45121
departments of mental retardation and developmental disabilities 45122
and job and family services approve the plan, and implement the 45123
plan unless either department disapproves it; 45124

~~(8)~~(7) Have an investigative agent conduct investigations 45125
under section 5126.313 of the Revised Code that concern the 45126
individual; 45127

~~(9)~~(8) Have a service and support administrator perform the 45128
duties under division (B)(9) of section 5126.15 of the Revised 45129
Code that concern the individual. 45130

(B) A county board shall perform its medicaid local 45131
administrative authority under this section in accordance with all 45132
of the following: 45133

(1) The county board's plan that the department of mental 45134
retardation and developmental disabilities approves under section 45135
5123.046 of the Revised Code; 45136

(2) All applicable federal and state laws; 45137

(3) All applicable policies of the departments of mental 45138
retardation and developmental disabilities and job and family 45139
services and the United States department of health and human 45140
services; 45141

(4) The department of job and family services' supervision 45142
under its authority under section 5111.01 of the Revised Code to 45143

act as the single state medicaid agency; 45144

(5) The department of mental retardation and developmental 45145
disabilities' oversight. 45146

(C) The departments of mental retardation and developmental 45147
disabilities and job and family services shall communicate with 45148
and provide training to county boards regarding medicaid local 45149
administrative authority granted by this section. The 45150
communication and training shall include issues regarding audit 45151
protocols and other standards established by the United States 45152
department of health and human services that the departments 45153
determine appropriate for communication and training. County 45154
boards shall participate in the training. The departments shall 45155
assess the county board's compliance against uniform standards 45156
that the departments shall establish. 45157

(D) A county board may not delegate its medicaid local 45158
administrative authority granted under this section but may 45159
contract with a person or government entity, including a council 45160
of governments, for assistance with its medicaid local 45161
administrative authority. A county board that enters into such a 45162
contract shall notify the director of mental retardation and 45163
developmental disabilities. The notice shall include the tasks and 45164
responsibilities that the contract gives to the person or 45165
government entity. The person or government entity shall comply in 45166
full with all requirements to which the county board is subject 45167
regarding the person or government entity's tasks and 45168
responsibilities under the contract. The county board remains 45169
ultimately responsible for the tasks and responsibilities. 45170

(E) A county board that has medicaid local administrative 45171
authority under this section shall, through the departments of 45172
mental retardation and developmental disabilities and job and 45173
family services, reply to, and cooperate in arranging compliance 45174
with, a program or fiscal audit or program violation exception 45175

that a state or federal audit or review discovers. The department 45176
of job and family services shall timely notify the department of 45177
mental retardation and developmental disabilities and the county 45178
board of any adverse findings. After receiving the notice, the 45179
county board, in conjunction with the department of mental 45180
retardation and developmental disabilities, shall cooperate fully 45181
with the department of job and family services and timely prepare 45182
and send to the department a written plan of correction or 45183
response to the adverse findings. The county board is liable for 45184
any adverse findings that result from an action it takes or fails 45185
to take in its implementation of medicaid local administrative 45186
authority. 45187

(F) If the department of mental retardation and developmental 45188
disabilities or department of job and family services determines 45189
that a county board's implementation of its medicaid local 45190
administrative authority under this section is deficient, the 45191
department that makes the determination shall require that county 45192
board do the following: 45193

(1) If the deficiency affects the health, safety, or welfare 45194
of an individual with mental retardation or other developmental 45195
disability, correct the deficiency within twenty-four hours; 45196

(2) If the deficiency does not affect the health, safety, or 45197
welfare of an individual with mental retardation or other 45198
developmental disability, receive technical assistance from the 45199
department or submit a plan of correction to the department that 45200
is acceptable to the department within sixty days and correct the 45201
deficiency within the time required by the plan of correction. 45202

Sec. 5126.056. (A) The department of mental retardation and 45203
developmental disabilities shall take action under division (B) of 45204
this section against a county board of mental retardation and 45205
developmental disabilities if any of the following are the case: 45206

(1) The county board fails to submit to the department all the components of its three-year plan required by section 5126.054 of the Revised Code within the time required by division (B) of that section.

(2) The department disapproves the county board's three-year plan under section 5123.046 of the Revised Code.

(3) The county board fails, as required by division (C) of section 5126.054 of the Revised Code, to update and renew its three-year plan in accordance with a schedule the department develops under that section.

(4) The county board fails to implement its initial or renewed three-year plan approved by the department.

(5) The county board fails to correct a deficiency within the time required by division (F) of section 5126.055 of the Revised Code to the satisfaction of the department.

(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.

(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.

A county board whose medicaid local administrative authority

is terminated may, not later than thirty days after the department 45238
issues the termination order, recommend to the department that 45239
another county board that has not had any of its medicaid local 45240
administrative authority terminated or another entity the 45241
department approves administer the services for which the county 45242
board's medicaid local administrative authority is terminated. The 45243
department may contract with the other county board or entity to 45244
administer the services. If the department enters into such a 45245
contract, the county board shall adopt a resolution giving the 45246
other county board or entity full medicaid local administrative 45247
authority over the services that the other county board or entity 45248
is to administer. The other county board or entity shall be known 45249
as the contracting authority. 45250

If the department rejects the county board's recommendation 45251
regarding a contracting authority, the county board may appeal the 45252
rejection under section 5123.043 of the Revised Code. 45253

If the county board does not submit a recommendation to the 45254
department regarding a contracting authority within the required 45255
time or the department rejects the county board's recommendation 45256
and the rejection is upheld pursuant to an appeal, if any, under 45257
section 5123.043 of the Revised Code, the department shall appoint 45258
an administrative receiver to administer the services for which 45259
the county board's medicaid local administrative authority is 45260
terminated. To the extent necessary for the department to appoint 45261
an administrative receiver, the department may utilize employees 45262
of the department, management personnel from another county board, 45263
or other individuals who are not employed by or affiliated with in 45264
any manner a person that provides home and community-based 45265
services or medicaid case management services pursuant to a 45266
contract with any county board. The administrative receiver shall 45267
assume full administrative responsibility for the county board's 45268
services for which the county board's medicaid local 45269

administrative authority is terminated. 45270

The contracting authority or administrative receiver shall 45271
develop and submit to the department a plan of correction to 45272
remediate the problems that caused the department to issue the 45273
termination order. If, after reviewing the plan, the department 45274
approves it, the contracting authority or administrative receiver 45275
shall implement the plan. 45276

The county board shall transfer control of state and federal 45277
funds it is otherwise eligible to receive for the services for 45278
which the county board's medicaid local administrative authority 45279
is terminated and funds the county board may use under division 45280
~~(B)~~(A) of section ~~5126.057~~ 5126.0511 of the Revised Code to pay 45281
the nonfederal share of the services that the county board is 45282
required by ~~division (A) of that section~~ sections 5126.059 and 45283
5126.0510 of the Revised Code to pay. The county board shall 45284
transfer control of the funds to the contracting authority or 45285
administrative receiver administering the services. The amount the 45286
county board shall transfer shall be the amount necessary for the 45287
contracting authority or administrative receiver to fulfill its 45288
duties in administering the services, including its duties to pay 45289
its personnel for time worked, travel, and related matters. If the 45290
county board fails to make the transfer, the department may 45291
withhold the state and federal funds from the county board and 45292
bring a mandamus action against the county board in the court of 45293
common pleas of the county served by the county board or in the 45294
Franklin county court of common pleas. The mandamus action may not 45295
require that the county board transfer any funds other than the 45296
funds the county board is required by division (B) of this section 45297
to transfer. 45298

The contracting authority or administrative receiver has the 45299
right to authorize the payment of bills in the same manner that 45300
the county board may authorize payment of bills under this chapter 45301

and section 319.16 of the Revised Code. 45302

Sec. 5126.059. A county board of mental retardation and 45303
developmental disabilities shall pay the nonfederal share of 45304
medicaid expenditures for medicaid case management services the 45305
county board provides to an individual with mental retardation or 45306
other developmental disability who the county board determines 45307
under section 5126.041 of the Revised Code is eligible for county 45308
board services. 45309

Sec. 5126.0510. (A) Except as otherwise provided in an 45310
agreement entered into under section 5123.048 of the Revised Code 45311
and subject to divisions (B), (C), and (D) of this section, a 45312
county board of mental retardation and developmental disabilities 45313
shall pay the nonfederal share of medicaid expenditures for the 45314
following home and community-based services provided to an 45315
individual with mental retardation or other developmental 45316
disability who the county board determines under section 5126.041 45317
of the Revised Code is eligible for county board services: 45318

(1) Home and community-based services that the county board 45319
provides to such an individual; 45320

(2) Home and community-based services provided by a provider 45321
other than the county board to such an individual who is enrolled 45322
as of June 30, 2007, in the medicaid waiver component under which 45323
the services are provided; 45324

(3) Home and community-based services provided by a provider 45325
other than the county board to such an individual who, pursuant to 45326
a request the county board makes, enrolls in the medicaid waiver 45327
component under which the services are provided after June 30, 45328
2007; 45329

(4) Home and community-based services provided by a provider 45330
other than the county board to such an individual for whom there 45331

is in effect an agreement entered into under division (E) of this 45332
section between the county board and director of mental 45333
retardation and developmental disabilities. 45334

(B) In the case of medicaid expenditures for home and 45335
community-based services for which division (A)(2) of this section 45336
requires a county board to pay the nonfederal share, the following 45337
shall apply to such services provided during fiscal year 2008 45338
under the individual options medicaid waiver component: 45339

(1) The county board shall pay no less than the total amount 45340
the county board paid as the nonfederal share for home and 45341
community-based services provided in fiscal year 2007 under the 45342
individual options medicaid waiver component; 45343

(2) The county board shall pay no more than the sum of the 45344
following: 45345

(a) The total amount the county board paid as the nonfederal 45346
share for home and community-based services provided in fiscal 45347
year 2007 under the individual options medicaid waiver component; 45348

(b) An amount equal to one per cent of the total amount the 45349
department of mental retardation and developmental disabilities 45350
and county board paid as the nonfederal share for home and 45351
community-based services provided in fiscal year 2007 under the 45352
individual options medicaid waiver component to individuals the 45353
county department determined under section 5126.041 of the Revised 45354
Code are eligible for county board services. 45355

(C) A county board is not required to pay the nonfederal 45356
share of home and community-based services provided after June 30, 45357
2008, that the county board is otherwise required by division 45358
(A)(2) of this section to pay if the department of mental 45359
retardation and developmental disabilities fails to comply with 45360
division (A) of section 5123.0416 of the Revised Code. 45361

(D) A county board is not required to pay the nonfederal 45362

share of home and community-based services that the county board 45363
is otherwise required by division (A)(3) of this section to pay if 45364
both of the following apply: 45365

(1) The services are provided to an individual who enrolls in 45366
the medicaid waiver component under which the services are 45367
provided as the result of an order issued following a state 45368
hearing, administrative appeal, or appeal to a court of common 45369
pleas made under section 5101.35 of the Revised Code; 45370

(2) There are more individuals who are eligible for services 45371
from the county board enrolled in the medicaid waiver component 45372
than is required by section 5126.0512 of the Revised Code. 45373

(E) A county board may enter into an agreement with the 45374
director of mental retardation and developmental disabilities 45375
under which the county board agrees to pay the nonfederal share of 45376
medicaid expenditures for one or more home and community-based 45377
services that the county board is not otherwise required by 45378
division (A)(1), (2), or (3) of this section to pay and that are 45379
provided to an individual the county board determines under 45380
section 5126.041 of the Revised Code is eligible for county board 45381
services. The agreement shall specify which home and 45382
community-based services the agreement covers. The county board 45383
shall pay the nonfederal share of medicaid expenditures for the 45384
home and community-based services that the agreement covers as 45385
long as the agreement is in effect. 45386

Sec. 5126.057 5126.0511. ~~(A) A county board of mental~~ 45387
~~retardation and developmental disabilities that has medicaid local~~ 45388
~~administrative authority under division (A) of section 5126.055 of~~ 45389
~~the Revised Code for home and community based services shall pay~~ 45390
~~the nonfederal share of medicaid expenditures for such services~~ 45391
~~provided to an individual with mental retardation or other~~ 45392
~~developmental disability who the county board determines under~~ 45393

~~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.~~

~~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.~~

~~(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 ~~this section~~ the Revised Code to pay:~~

(1) To the extent consistent with the levy that generated the taxes, the following taxes:

(a) Taxes levied pursuant to division (L) of section 5705.19 of the Revised Code and section 5705.222 of the Revised Code;

(b) Taxes levied under section 5705.191 of the Revised Code that the board of county commissioners allocates to the county board ~~to pay the nonfederal share of the services.~~

(2) Funds that the department of mental retardation and developmental disabilities distributes to the county board under sections 5126.11, ~~5126.12, 5126.15, and~~ 5126.18, ~~and 5126.44~~ of the Revised Code;

(3) Earned federal revenue funds the county board receives for medicaid services the county board provides pursuant to the county board's valid medicaid provider agreement;

(4) Funds that the department of mental retardation and

developmental disabilities distributes to the county board as 45424
subsidy payments; 45425

(5) In the case of medicaid expenditures for home and 45426
community-based services, funds allocated to or otherwise made 45427
available for the county board under section 5123.0416 of the 45428
Revised Code to pay the nonfederal share of such medicaid 45429
expenditures. 45430

~~(C) If by December 31, 2001, the United States secretary of~~ 45431
~~health and human services approves at least five hundred more~~ 45432
~~slots for home and community based services for calendar year 2002~~ 45433
~~than were available for calendar year 2001, each county board~~ 45434
~~shall provide, by the last day of calendar year 2001, assurances~~ 45435
~~to the department of mental retardation and developmental~~ 45436
~~disabilities that the county board will have for calendar year~~ 45437
~~2002 at least one third of the value of one half, effective mill~~ 45438
~~levied in the county the preceding year available to pay the~~ 45439
~~nonfederal share of the services that the county board is required~~ 45440
~~by division (A) of this section to pay.~~ 45441

~~If by December 31, 2002, the United States secretary approves~~ 45442
~~at least five hundred more slots for home and community based~~ 45443
~~services for calendar year 2003 than were available for calendar~~ 45444
~~year 2002, each county board shall provide, by the last day of~~ 45445
~~calendar year 2002, assurances to the department that the county~~ 45446
~~board will have for calendar year 2003 at least two thirds of the~~ 45447
~~value of one half, effective mill levied in the county the~~ 45448
~~preceding year available to pay the nonfederal share of the~~ 45449
~~services that the county board is required by division (A) of this~~ 45450
~~section to pay.~~ 45451

~~If by December 31, 2003, the United States secretary approves~~ 45452
~~at least five hundred more slots for home and community based~~ 45453
~~services for calendar year 2004 than were available for calendar~~ 45454
~~year 2003, each county board shall provide, by the last day of~~ 45455

~~calendar year 2003 and each calendar year thereafter, assurances 45456
to the department that the county board will have for calendar 45457
year 2004 and each calendar year thereafter at least the value of 45458
one half, effective mill levied in the county the preceding year 45459
available to pay the nonfederal share of the services that the 45460
county board is required by division (A) of this section to pay. 45461~~

~~(D)~~ Each year, each county board shall adopt a resolution 45462
specifying the amount of funds it will use in the next year to pay 45463
the nonfederal share of the services medicaid expenditures that 45464
the county board is required by ~~division (A) of this section~~ 45465
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 45466
amount specified shall be adequate to assure that the services for 45467
which the medicaid expenditures are made will be available in the 45468
county in a manner that conforms to all applicable state and 45469
federal laws. A county board shall state in its resolution that 45470
the payment of the nonfederal share represents an ongoing 45471
financial commitment of the county board. A county board shall 45472
adopt the resolution in time for the county auditor to make the 45473
determination required by division ~~(E)~~(C) of this section. 45474

~~(E)~~(C) Each year, a county auditor shall determine whether 45475
the amount of funds a county board specifies in the resolution it 45476
adopts under division ~~(D)~~(B) of this section will be available in 45477
the following year for the county board to pay the nonfederal 45478
share of the services medicaid expenditures that the county board 45479
is required by ~~division (A) of this section~~ sections 5126.059 and 45480
5126.0510 of the Revised Code to pay. The county auditor shall 45481
make the determination not later than the last day of the year 45482
before the year in which the funds are to be used. 45483

Sec. 5126.0512. (A) As used in this section, "medicaid waiver 45484
component" means a medicaid waiver component as defined in section 45485
5111.85 of the Revised Code under which home and community-based 45486

services are provided. 45487

(B) Effective July 1, 2007, each county board of mental 45488
retardation and developmental disabilities shall ensure, for each 45489
medicaid waiver component, that the number of individuals eligible 45490
under section 5126.041 of the Revised Code for services from the 45491
county board who are enrolled in a medicaid waiver component is no 45492
less than the sum of the following: 45493

(1) The number of individuals eligible for services from the 45494
county board who are enrolled in the medicaid waiver component on 45495
June 30, 2007; 45496

(2) The number of medicaid waiver component slots that the 45497
county board requested before July 1, 2007, were assigned to the 45498
county board before that date, but in which no individual was 45499
enrolled before that date. 45500

(C) An individual enrolled in a medicaid waiver component 45501
after March 1, 2007, due to an emergency reserve capacity waiver 45502
assignment shall not be counted in determining the number of 45503
individuals a county board must ensure under division (B) of this 45504
section are enrolled in a medicaid waiver component. 45505

(D) An individual who is enrolled in a medicaid waiver 45506
component to comply with the terms of the consent order filed 45507
March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in 45508
the United States district court for the southern district of 45509
Ohio, eastern division, shall be excluded in determining whether a 45510
county board has complied with division (B) of this section. 45511

(E) A county board shall make as many requests for 45512
individuals to be enrolled in a medicaid waiver component as 45513
necessary for the county board to comply with division (B) of this 45514
section. 45515

Sec. 5126.06. (A) Except as provided in division (B) of this 45516

section and ~~section 5126.036~~ of the Revised Code, any person who 45517
has a complaint involving any of the programs, services, policies, 45518
or administrative practices of a county board of mental 45519
retardation and developmental disabilities or any of the entities 45520
under contract with the county board, may file a complaint with 45521
the board. Prior to commencing a civil action regarding the 45522
complaint, a person shall attempt to have the complaint resolved 45523
through the administrative resolution process established in the 45524
rules adopted under section 5123.043 of the Revised Code. After 45525
exhausting the administrative resolution process, the person may 45526
commence a civil action if the complaint is not settled to the 45527
person's satisfaction. 45528

(B) An employee of a county board may not file under this 45529
section a complaint related to the terms and conditions of 45530
employment of the employee. 45531

Sec. 5126.12. (A) As used in this section: 45532

(1) "Approved school age class" means a class operated by a 45533
county board of mental retardation and developmental disabilities 45534
and funded by the department of education under section 3317.20 of 45535
the Revised Code. 45536

(2) "Approved preschool unit" means a class or unit operated 45537
by a county board of mental retardation and developmental 45538
disabilities and approved under division (B) of section 3317.05 of 45539
the Revised Code. 45540

(3) "Active treatment" means a continuous treatment program, 45541
which includes aggressive, consistent implementation of a program 45542
of specialized and generic training, treatment, health services, 45543
and related services, that is directed toward the acquisition of 45544
behaviors necessary for an individual with mental retardation or 45545
other developmental disability to function with as much 45546
self-determination and independence as possible and toward the 45547

prevention of deceleration, regression, or loss of current optimal functional status. 45548
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(4) "Eligible for active treatment" means that an individual 45550
with mental retardation or other developmental disability resides 45551
in an intermediate care facility for the mentally retarded 45552
certified under Title XIX of the "Social Security Act," 79 Stat. 45553
286 (1965), 42 U.S.C. 1396, as amended; resides in a state 45554
institution operated by the department of mental retardation and 45555
developmental disabilities; or is enrolled in home and 45556
community-based services. 45557

(5) "Traditional adult services" means vocational and 45558
nonvocational activities conducted within a sheltered workshop or 45559
adult activity center or supportive home services. 45560

(B) Each county board of mental retardation and developmental 45561
disabilities shall certify to the director of mental retardation 45562
and developmental disabilities all of the following: 45563

(1) On or before the fifteenth day of October, the average 45564
daily membership for the first full week of programs and services 45565
during October receiving: 45566

(a) Early childhood services provided pursuant to section 45567
5126.05 of the Revised Code for children who are less than three 45568
years of age on the thirtieth day of September of the academic 45569
year; 45570

(b) Special education for handicapped children in approved 45571
school age classes; 45572

(c) Adult services for persons sixteen years of age and older 45573
operated pursuant to section 5126.05 and division (B) of section 45574
5126.051 of the Revised Code. Separate counts shall be made for 45575
the following: 45576

(i) Persons enrolled in traditional adult services who are 45577

eligible for but not enrolled in active treatment;	45578
(ii) Persons enrolled in traditional adult services who are eligible for and enrolled in active treatment;	45579 45580
(iii) Persons enrolled in traditional adult services but who are not eligible for active treatment;	45581 45582
(iv) Persons participating in community employment services. To be counted as participating in community employment services, a person must have spent an average of no less than ten hours per week in that employment during the preceding six months.	45583 45584 45585 45586
(d) Other programs in the county for individuals with mental retardation and developmental disabilities that have been approved for payment of subsidy by the department of mental retardation and developmental disabilities.	45587 45588 45589 45590
The membership in each such program and service in the county shall be reported on forms prescribed by the department of mental retardation and developmental disabilities.	45591 45592 45593
The department of mental retardation and developmental disabilities shall adopt rules defining full-time equivalent enrollees and for determining the average daily membership therefrom, except that certification of average daily membership in approved school age classes shall be in accordance with rules adopted by the state board of education. The average daily membership figure shall be determined by dividing the amount representing the sum of the number of enrollees in each program or service in the week for which the certification is made by the number of days the program or service was offered in that week. No enrollee may be counted in average daily membership for more than one program or service.	45594 45595 45596 45597 45598 45599 45600 45601 45602 45603 45604 45605
(2) By the fifteenth day of December, the number of children enrolled in approved preschool units on the first day of December;	45606 45607

(3) On or before the thirtieth day of ~~March~~ April, an 45608
itemized report of all income and operating expenditures for the 45609
immediately preceding calendar year, in the format specified by 45610
the department of mental retardation and developmental 45611
disabilities; 45612

~~(4) By the fifteenth day of February, a report of the total 45613
annual cost per enrollee for operation of programs and services in 45614
the preceding calendar year. The report shall include a grand 45615
total of all programs operated, the cost of the individual 45616
programs, and the sources of funds applied to each program. 45617~~

~~(5) That each required certification and report is in 45618
accordance with rules established by the department of mental 45619
retardation and developmental disabilities and the state board of 45620
education for the operation and subsidization of the programs and 45621
services. 45622~~

~~(C) To compute payments under this section to the board for 45623
the fiscal year, the department of mental retardation and 45624
developmental disabilities shall use the certification of average 45625
daily membership required by division (B)(1) of this section 45626
exclusive of the average daily membership in any approved school 45627
age class and the number in any approved preschool unit. 45628~~

~~(D) The department shall pay each county board for each 45629
fiscal year an amount equal to nine hundred fifty dollars times 45630
the certified number of persons who on the first day of December 45631
of the academic year are under three years of age and are not in 45632
an approved preschool unit. For persons who are at least age 45633
sixteen and are not in an approved school age class, the 45634
department shall pay each county board for each fiscal year the 45635
following amounts: 45636~~

~~(1) One thousand dollars times the certified average daily 45637
membership of persons enrolled in traditional adult services who 45638~~

~~are eligible for but not enrolled in active treatment;~~ 45639

~~(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;~~ 45640
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~~(3) No less than one thousand five hundred dollars times the certified average daily membership of persons enrolled in traditional adult services but who are not eligible for active treatment;~~ 45643
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~~(4) No less than one thousand five hundred dollars times the certified average daily membership of persons participating in community employment services.~~ 45647
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~~(E) The department shall distribute this subsidy to county boards in quarterly installments of equal amounts. The installments shall be made not later than the thirtieth day of September, the thirty first day of December, the thirty first day of March, and the thirtieth day of June.~~ 45650
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~~(F) The director of mental retardation and developmental disabilities shall make efforts to obtain increases in the subsidies for early childhood services and adult services so that the amount of the subsidies is equal to at least fifty per cent of the statewide average cost of those services minus any applicable federal reimbursements for those services. The director shall advise the director of budget and management of the need for any such increases when submitting the biennial appropriations request for the department.~~ 45655
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~~(G) In determining the reimbursement of a county board for the provision of service and support administration, family support services, and other services required or approved by the director for which children three through twenty one years of age are eligible, the department shall include the average daily membership in approved school age or preschool units. The~~ 45664
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~~department, in accordance with this section and upon receipt and 45670
approval of the certification required by this section and any 45671
other information it requires to enable it to determine a board's 45672
payments, shall pay the agency providing the specialized training 45673
the amounts payable under this section. 45674~~

Sec. 5126.15. (A) A county board of mental retardation and 45676
developmental disabilities shall provide service and support 45677
administration to each individual three years of age or older who 45678
is eligible for service and support administration if the 45679
individual requests, or a person on the individual's behalf 45680
requests, service and support administration. A board shall 45681
provide service and support administration to each individual 45682
receiving home and community-based services. A board may provide, 45683
in accordance with the service coordination requirements of 34 45684
C.F.R. 303.23, service and support administration to an individual 45685
under three years of age eligible for early intervention services 45686
under 34 C.F.R. part 303. A board may provide service and support 45687
administration to an individual who is not eligible for other 45688
services of the board. Service and support administration shall be 45689
provided in accordance with rules adopted under section 5126.08 of 45690
the Revised Code. 45691

A board may provide service and support administration by 45692
directly employing service and support administrators or by 45693
contracting with entities for the performance of service and 45694
support administration. Individuals employed or under contract as 45695
service and support administrators shall not be in the same 45696
collective bargaining unit as employees who perform duties that 45697
are not administrative. 45698

Individuals employed by a board as service and support 45699
administrators shall not be assigned responsibilities for 45700
implementing other services for individuals and shall not be 45701

employed by or serve in a decision-making or policy-making 45702
capacity for any other entity that provides programs or services 45703
to individuals with mental retardation or developmental 45704
disabilities. An individual employed as a conditional status 45705
service and support administrator shall perform the duties of 45706
service and support administration only under the supervision of a 45707
management employee who is a service and support administration 45708
supervisor. 45709

(B) The individuals employed by or under contract with a 45710
board to provide service and support administration shall do all 45711
of the following: 45712

(1) Establish an individual's eligibility for the services of 45713
the county board of mental retardation and developmental 45714
disabilities; 45715

(2) Assess individual needs for services; 45716

(3) Develop individual service plans with the active 45717
participation of the individual to be served, other persons 45718
selected by the individual, and, when applicable, the provider 45719
selected by the individual, and recommend the plans for approval 45720
by the department of mental retardation and developmental 45721
disabilities when services included in the plans are funded 45722
through medicaid; 45723

(4) Establish budgets for services based on the individual's 45724
assessed needs and preferred ways of meeting those needs; 45725

(5) Assist individuals in making selections from among the 45726
providers they have chosen; 45727

(6) Ensure that services are effectively coordinated and 45728
provided by appropriate providers; 45729

(7) Establish and implement an ongoing system of monitoring 45730
the implementation of individual service plans to achieve 45731

consistent implementation and the desired outcomes for the individual; 45732
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(8) Perform quality assurance reviews as a distinct function of service and support administration; 45734
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(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major unusual incidents into amendments of an individual's service plan for the purpose of improving and enhancing the quality and appropriateness of services rendered to the individual; 45736
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(10) Ensure that each individual receiving services has a designated person who is responsible on a continuing basis for providing the individual with representation, advocacy, advice, and assistance related to the day-to-day coordination of services in accordance with the individual's service plan. The service and support administrator shall give the individual receiving services an opportunity to designate the person to provide daily representation. If the individual declines to make a designation, the administrator shall make the designation. In either case, the individual receiving services may change at any time the person designated to provide daily representation. 45741
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~~(C) Subject to available funds, the department of mental retardation and developmental disabilities shall pay a county board an annual subsidy for service and support administration. The amount of the subsidy shall be equal to the greater of twenty thousand dollars or two hundred dollars times the board's certified average daily membership. The payments shall be made in quarterly installments of equal amounts, which shall be made no later than the thirtieth day of September, the thirty first day of December, the thirty first day of March, and the thirtieth day of June. Funds received shall be used solely for service and support administration.~~ 45752
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Sec. 5126.18. (A) As used in this section:	45764
(1) "County board" means a county board of mental retardation and developmental disabilities.	45765 45766
(2) Notwithstanding section 5126.01 of the Revised Code, "adult services" means the following services, as they are identified on individual information forms submitted by county boards to the department of mental retardation and developmental disabilities for the purpose of subsidies paid to county boards under section 5126.12 of the Revised Code , provided to an individual with mental retardation or other developmental disability who is at least twenty-two years of age:	45767 45768 45769 45770 45771 45772 45773 45774
(a) Assessment;	45775
(b) Home service;	45776
(c) Adult program;	45777
(d) Community employment services;	45778
(e) Retirement.	45779
(3) "Adult services enrollment" means a county board's average daily membership in adult services, exclusive of such services provided to individuals served solely through service and support administration provided pursuant to section 5126.15 of the Revised Code or family support services provided pursuant to section 5126.11 of the Revised Code.	45780 45781 45782 45783 45784 45785
(4) "Taxable value" means the taxable value of a county board certified under division (B)(1) of this section.	45786 45787
(5) "Per-mill yield" of a county board means the quotient obtained by dividing (a) the taxable value of the county board by (b) one thousand.	45788 45789 45790
(6) "Local adult services cost" means a county board's expenditures for adult services, excluding all federal and state	45791 45792

reimbursements and subsidy allocations received by such boards and 45793
expended for such services, as certified under section 5126.12 of 45794
the Revised Code. 45795

(7) "Statewide average millage" means one thousand multiplied 45796
by the quotient obtained by dividing (a) the total of the local 45797
adult services costs of all county boards by (b) the total of the 45798
taxable values of all county boards. 45799

(8) "County yield" of a county board means the product 45800
obtained by multiplying (a) the statewide average millage by (b) 45801
the per-mill yield of the county board. 45802

(9) "County yield per enrollee" of a county board means the 45803
quotient obtained by dividing (a) the county yield of the county 45804
board by (b) the adult enrollment of the county board. 45805

(10) "Statewide yield per enrollee" means the quotient 45806
obtained by dividing (a) the sum of the county yields of all 45807
county boards by (b) the sum of the adult enrollments of all 45808
county boards. 45809

(11) "Local tax effort for adult services" of a county board 45810
means one thousand multiplied by the quotient obtained by dividing 45811
(a) the local adult services cost of the county board by (b) the 45812
taxable value of the county board. 45813

(12) "Funding percentage" for a fiscal year means the 45814
percentage that the amount appropriated to the department for the 45815
purpose of making payments under this section in the fiscal year 45816
is of the amount computed under division (C)(3) of this section 45817
for the fiscal year. 45818

(13) "Funding-adjusted required millage" for a fiscal year 45819
means the statewide average millage multiplied by the funding 45820
percentage for that fiscal year. 45821

(B)(1) On the request of the director of mental retardation 45822

and developmental disabilities, the tax commissioner shall provide 45823
to the department of mental retardation and developmental 45824
disabilities information specifying the taxable value of property 45825
on each county's tax list of real and public utility property and 45826
tax list of personal property for the most recent tax year for 45827
which such information is available. The director may request any 45828
other tax information necessary for the purposes of this section. 45829

(2) On the request of the director, each county board shall 45830
report the county board's adult services enrollment and local 45831
adult services cost. 45832

(C) Each year, the department of mental retardation and 45833
developmental disabilities shall compute the following: 45834

(1) For each county board, the amount, if any, by which the 45835
statewide yield per enrollee exceeds the county yield per 45836
enrollee; 45837

(2) For each county board, the amount of any excess computed 45838
under division (C)(1) of this section multiplied by the adult 45839
services enrollment of the county board; 45840

(3) The sum of the amounts computed under division (C)(2) of 45841
this section for all county boards. 45842

(D) From money appropriated for the purpose, the department 45843
shall provide for payment to each county board of the amount 45844
computed for that county board under division (C)(2) of this 45845
section, subject to any reduction or adjustment under division 45846
(E), (F), or (G) of this section. The department shall make the 45847
payments in quarterly installments of equal amounts. The 45848
installments shall be made not later than the thirtieth day of 45849
September, thirty-first day of December, thirty-first day of 45850
March, and thirtieth day of June. 45851

(E) If a county board's local tax effort for adult services 45852
is less than the funding-adjusted required millage, the director 45853

shall reduce the amount of payment otherwise computed under 45854
division (C)(2) of this section so that the amount paid, after the 45855
reduction, is the same percentage of the amount computed under 45856
division (C)(2) of this section as the county board's local tax 45857
effort for adult services is of the funding-adjusted required 45858
millage. 45859

If the director reduces the amount of a county board's 45860
payment under this division, the department, not later than the 45861
fifteenth day of July, shall notify the county board of the 45862
reduction and the amount of the reduction. The notice shall 45863
include a statement that the county board may request to be 45864
exempted from the reduction by filing a request with the director, 45865
in the manner and form prescribed by the director, within 45866
twenty-one days after such notification is issued. The board may 45867
present evidence of its attempt to obtain passage of levies or any 45868
other extenuating circumstances the board considers relevant. If 45869
the county board requests a hearing before the director to present 45870
such evidence, the director shall conduct a hearing on the request 45871
unless the director exempts the board from the reduction on the 45872
basis of the evidence presented in the request filed by the board. 45873
Upon receiving a properly and timely filed request for exemption, 45874
but not later than the thirty-first day of August, the director 45875
shall determine whether the county board shall be exempted from 45876
all or a part of the reduction. The director may exempt the board 45877
from all or part of the reduction if the director finds that the 45878
board has made good faith efforts to obtain passage of tax levies 45879
or that there are extenuating circumstances. 45880

(F) If a payment is reduced under division (E) of this 45881
section and the director does not exempt the county board from the 45882
reduction, the amount of the reduction shall be apportioned among 45883
all county boards entitled to payments under this section for 45884
which payments were not so reduced. The amount apportioned to each 45885

county board shall be proportionate to the amount of the board's 45886
payment as computed under division (C)(2) of this section. 45887

(G) If, for any fiscal year, the amount appropriated to the 45888
department for the purpose of this section is less than the amount 45889
computed under division (C)(3) of this section for the fiscal 45890
year, the department shall adjust the amount of each payment as 45891
computed under divisions (C)(2), (E), and (F) of this section by 45892
multiplying that amount by the funding percentage. 45893

(H) The payments authorized by this section are supplemental 45894
to all other funds that may be received by a county board. A 45895
county board shall use the payments solely to pay the nonfederal 45896
share of medicaid expenditures that ~~division (A) of section~~ 45897
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code 45898
~~requires~~ require the county board to pay. 45899

Sec. 5126.19. (A) The director of mental retardation and 45900
developmental disabilities may grant temporary funding from the 45901
community mental retardation and developmental disabilities trust 45902
fund based on allocations to county boards of mental retardation 45903
and developmental disabilities. The director may distribute all or 45904
part of the funding directly to a county board, the persons who 45905
provide the services for which the funding is granted, or persons 45906
with mental retardation or developmental disabilities who are to 45907
receive those services. 45908

(B) Funding granted under division (A) of this section shall 45909
be granted according to the availability of moneys in the fund and 45910
priorities established by the director. Funding may be granted for 45911
any of the following purposes: 45912

(1) Behavioral or short-term interventions for persons with 45913
mental retardation or developmental disabilities that assist them 45914
in remaining in the community by preventing institutionalization; 45915

(2) Emergency respite care services, as defined in section 5126.11 of the Revised Code;	45916 45917
(3) Family support services provided under section 5126.11 of the Revised Code;	45918 45919
(4) Supported living, as defined in section 5126.01 of the Revised Code;	45920 45921
(5) Staff training for county board employees, employees of providers of residential services as defined in section 5126.01 of 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;	45922 45923 45924 45925 45926 45927
(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;	45928 45929 45930 45931 45932 45933 45934
(7) Contracts with providers of residential services to maintain persons with mental retardation and developmental disabilities in their programs and avoid institutionalization.	45935 45936 45937
(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 <u>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.</u> Distributions of funds	45938 45939 45940 45941 45942 45943 45944 45945 45946

under this division shall be made prior to August 31 of the state 45947
fiscal year in which the funds are available. The funds shall be 45948
allocated to a county board in an amount equal to the same 45949
percentage of the total amount allocated to the county board the 45950
immediately preceding state fiscal year. 45951

(D) In addition to making grants under division (A) of this 45952
section, the director may use money available in the trust fund 45953
for the same purposes that rules adopted under section 5123.0413 45954
of the Revised Code provide for money in the state MR/DD risk fund 45955
and the state insurance against MR/DD risk fund, both created 45956
under that section, to be used. 45957

Sec. 5126.25. (A) The director of mental retardation and 45958
developmental disabilities shall adopt rules in accordance with 45959
Chapter 119. of the Revised Code establishing uniform standards 45960
and procedures for the certification of persons for employment by 45961
county boards of mental retardation and developmental disabilities 45962
as superintendents, management employees, and professional 45963
employees and uniform standards and procedures for the 45964
registration of persons for employment by county boards as 45965
registered service employees. As part of the rules, the director 45966
may establish continuing education and professional training 45967
requirements for renewal of certificates and evidence of 45968
registration and shall establish such requirements for renewal of 45969
an investigative agent certificate. In the rules, the director 45970
shall establish certification standards for employment in the 45971
position of investigative agent that require an individual to have 45972
or obtain no less than an associate degree from an accredited 45973
college or university or have or obtain comparable experience or 45974
training. The director shall not adopt rules that require any 45975
service employee to have or obtain a bachelor's or higher degree. 45976

The director shall adopt the rules in a manner that provides 45977

for the issuance of certificates and evidence of registration 45978
according to categories, levels, and grades. The rules shall 45979
describe each category, level, and grade. 45980

The rules adopted under this division shall apply to persons 45981
employed or seeking employment in a position that includes 45982
directly providing, or supervising persons who directly provide, 45983
services or instruction to or on behalf of individuals with mental 45984
retardation or developmental disabilities, except that the rules 45985
shall not apply to persons who hold a valid license issued under 45986
Chapter 3319. of the Revised Code and perform no duties other than 45987
teaching or supervision of a teaching program or persons who hold 45988
a valid license or certificate issued under Title XLVII of the 45989
Revised Code and perform only those duties governed by the license 45990
or certificate. The rules shall specify the positions that require 45991
certification or registration. The rules shall specify that the 45992
position of investigative agent requires certification. 45993

(B) The director shall adopt rules in accordance with Chapter 45994
119. of the Revised Code establishing standards for approval of 45995
courses of study to prepare persons to meet certification 45996
requirements. The director shall approve courses of study meeting 45997
the standards and provide for the inspection of the courses to 45998
ensure the maintenance of satisfactory training procedures. The 45999
director shall approve courses of study only if given by a state 46000
university or college as defined in section 3345.32 of the Revised 46001
Code, a state university or college of another state, or an 46002
institution that has received a certificate of authorization to 46003
confer degrees from the board of regents pursuant to Chapter 1713. 46004
of the Revised Code or from a comparable agency of another state. 46005

(C) Each applicant for a certificate for employment or 46006
evidence of registration for employment by a county board shall 46007
apply to the department of mental retardation and developmental 46008
disabilities on forms that the director of the department shall 46009

prescribe and provide. The application shall be accompanied by the application fee established in rules adopted under this section.

(D) The director shall issue a certificate for employment to each applicant who meets the standards for certification established under this section and shall issue evidence of registration for employment to each applicant who meets the standards for registration established under this section. Each certificate or evidence of registration shall state the category, level, and grade for which it is issued.

The director shall issue, renew, deny, suspend, or revoke certificates and evidence of registration in accordance with rules adopted under this section. The director shall deny, suspend, or revoke a certificate or evidence of registration if the director finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of the certificate or evidence of registration is guilty of intemperate, immoral, or other conduct unbecoming to the applicant's or holder's position, or is guilty of incompetence or negligence within the scope of the applicant's or holder's duties. The director shall deny or revoke a certificate or evidence of registration if the director finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of the certificate or evidence of registration has been convicted of or pleaded guilty to any of the offenses described in division (E) of section 5126.28 of the Revised Code, unless the individual meets standards for rehabilitation that the director establishes in the rules adopted under that section. Evidence supporting such allegations shall be presented to the director in writing and the director shall provide prompt notice of the allegations to the person who is the subject of the allegations. A denial, suspension, or revocation may be appealed in accordance with procedures the director shall

establish in the rules adopted under this section. 46042

(E)(1) A person holding a valid certificate under this 46043
section on the effective date of any rules adopted under this 46044
section that increase certification standards shall have such 46045
period as the rules prescribe, but not less than one year after 46046
the effective date of the rules, to meet the new certification 46047
standards. 46048

A person who is registered under this section on the 46049
effective date of any rule that changes the standards adopted 46050
under this section shall have such period as the rules prescribe, 46051
but not less than one year, to meet the new registration 46052
standards. 46053

(2) If an applicant for a certificate for employment has not 46054
completed the courses of instruction necessary to meet the 46055
department's standards for certification, the department shall 46056
inform the applicant of the courses the applicant must 46057
successfully complete to meet the standards and shall specify the 46058
time within which the applicant must complete the courses. The 46059
department shall grant the applicant at least one year to complete 46060
the courses and shall not require the applicant to complete more 46061
than four courses in any one year. The applicant is not subject to 46062
any changes regarding the courses required for certification that 46063
are made after the department informs the applicant of the courses 46064
the applicant must complete, unless the applicant does not 46065
successfully complete the courses within the time specified by the 46066
department. 46067

(F) A person who holds a certificate or evidence of 46068
registration, other than one designated as temporary, is qualified 46069
to be employed according to that certificate or evidence of 46070
registration by any county board. 46071

(G) The director shall monitor county boards to ensure that 46072

their employees who must be certified or registered are 46073
appropriately certified or registered and performing those 46074
functions they are authorized to perform under their certificate 46075
or evidence of registration. 46076

(H) A county board superintendent or the superintendent's 46077
designee may certify to the director that county board employees 46078
who are required to meet continuing education or professional 46079
training requirements as a condition of renewal of certificates or 46080
evidence of registration have met the requirements. The 46081
superintendent or the superintendent's designee shall maintain in 46082
appropriate personnel files evidence acceptable to the director 46083
that the employees have met the requirements and permit 46084
representatives of the department access to the evidence on 46085
request. 46086

(I) All fees collected pursuant to this section shall be 46087
deposited in the state treasury to the credit of the ~~employee~~ 46088
~~certification and registration~~ program fee fund, ~~which is hereby~~ 46089
created under section 5123.033 of the Revised Code. ~~Money credited~~ 46090
~~to the fund shall be used solely for the operation of the~~ 46091
~~certification and registration program established under this~~ 46092
~~section and for providing continuing training to county board~~ 46093
~~employees.~~ 46094

(J) Employees of entities that contract with county boards of 46095
mental retardation and developmental disabilities to operate 46096
programs and services for individuals with mental retardation and 46097
developmental disabilities are subject to the certification and 46098
registration requirements established under section 5123.082 of 46099
the Revised Code. 46100

Sec. 5126.40. (A) Sections 5126.40 to 5126.47 of the Revised 46101
Code do not apply to medicaid-funded supported living. 46102

(B) As used in ~~this section and~~ sections ~~5126.41~~ 5126.40 to 46103

5126.47 of the Revised Code, "provider" means a person or 46104
government entity certified by the ~~department~~ director of mental 46105
retardation and developmental disabilities to provide supported 46106
living for individuals with mental retardation and developmental 46107
disabilities. 46108

~~(B) This division is in effect until July 1, 1995. By 46109
adoption of a resolution by affirmative vote of a majority of its 46110
members, a county board of mental retardation and developmental 46111
disabilities shall have authority to plan and develop supported 46112
living for individuals with mental retardation and developmental 46113
disabilities who are residents of the county and, as provided in 46114
sections 5126.41 to 5126.47 of the Revised Code, contract with 46115
providers and enter into shared funding arrangements. The board's 46116
authority under this division is effective on the department's 46117
receipt of the resolution. 46118~~

(C) On and after July 1, 1995, each county board shall plan 46119
and develop supported living for individuals with mental 46120
retardation and developmental disabilities who are residents of 46121
the county in accordance with sections 5126.41 to 5126.47 of the 46122
Revised Code. 46123

Sec. 5126.42. (A) A county board of mental retardation and 46124
developmental disabilities shall establish an advisory council 46125
composed of board members or employees of the board, providers, 46126
individuals receiving supported living, and advocates for 46127
individuals receiving supported living to provide on-going 46128
communication among all persons concerned with supported living. 46129

(B) The board shall develop procedures for the resolution of 46130
grievances between the board and providers or between the board 46131
and an entity with which it has a shared funding agreement. 46132

(C) The board shall develop and implement a provider 46133
selection system. Each system shall enable an individual to choose 46134

to continue receiving supported living from the same providers, to 46135
select additional providers, or to choose alternative providers. 46136
Annually, the board shall review its provider selection system to 46137
determine whether it has been implemented in a manner that allows 46138
individuals fair and equitable access to providers. 46139

In developing a provider selection system, the county board 46140
shall create a pool of providers for individuals to use in 46141
choosing their providers of supported living. The pool shall be 46142
created by placing in the pool all providers on record with the 46143
board or by placing in the pool all providers approved by the 46144
board through soliciting requests for proposals for supported 46145
living contracts. In either case, only providers that are 46146
certified by the ~~department~~ director of mental retardation and 46147
developmental disabilities ~~and in compliance with the quality~~ 46148
~~assurance standards established in rules adopted by the department~~ 46149
may be placed in the pool. 46150

If the board places all providers on record in the pool, the 46151
board shall review the pool at least annually to determine whether 46152
each provider has continued interest in being a provider and has 46153
maintained its certification by the department. At any time, an 46154
interested and certified provider may make a request to the board 46155
that it be added to the pool, and the board shall add the provider 46156
to the pool not later than seven days after receiving the request. 46157

If the board solicits requests for proposals for inclusion of 46158
providers in the pool, the board shall develop standards for 46159
selecting the providers to be included. Requests for proposals 46160
shall be solicited at least annually. When requests are solicited, 46161
the board shall cause legal notices to be published at least once 46162
each week for two consecutive weeks in a newspaper with general 46163
circulation within the county. The board's formal request for 46164
proposals shall include a description of any applicable contract 46165
terms, the standards that are used to select providers for 46166

inclusion in the pool, and the process the board uses to resolve 46167
disputes arising from the selection process. The board shall 46168
accept requests from any entity interested in being a provider of 46169
supported living for individuals served by the board. Requests 46170
shall be approved or denied according to the standards developed 46171
by the board. Providers that previously have been placed in the 46172
pool are not required to resubmit a request for proposal to be 46173
included in the pool, unless the board's standards have been 46174
changed. 46175

In assisting an individual in choosing a provider, the county 46176
board shall provide the individual with uniform and consistent 46177
information pertaining to each provider in the pool, ~~including the~~ 46178
~~provider evaluations conducted under section 5126.431 of the~~ 46179
~~Revised Code on and after July 1, 1995.~~ An individual may choose 46180
to receive supported living from a provider that is not included 46181
in the pool, if the provider is certified by the ~~department~~ 46182
director of mental retardation and developmental disabilities ~~and~~ 46183
~~in compliance with the quality assurance standards established in~~ 46184
~~rules adopted by the department.~~ 46185

Sec. 5126.43. (A) After receiving notice from the department 46186
of mental retardation and developmental disabilities of the amount 46187
of state funds to be distributed to it ~~under section 5126.44 of~~ 46188
~~the Revised Code for planning, developing, contracting for, and~~ 46189
providing supported living, the county board of mental retardation 46190
and developmental disabilities shall arrange for supported living 46191
on behalf of and with the consent of individuals based on their 46192
individual service plans developed under section 5126.41 of the 46193
Revised Code. With the state distribution and any other money 46194
designated by the board for supported living, the board shall 46195
arrange for supported living in one or more of the following ways: 46196

(1) By contracting under section 5126.45 of the Revised Code 46197

with providers selected by the individual to be served; 46198

(2) By entering into shared funding agreements with state 46199
agencies, local public agencies, or political subdivisions at 46200
rates negotiated by the board; 46201

(3) By providing direct payment or vouchers to be used to 46202
purchase supported living, pursuant to a written contract in an 46203
amount determined by the board, to the individual or a person 46204
providing the individual with protective services as defined in 46205
section 5123.55 of the Revised Code. 46206

(B) ~~When the board contracts for supported living on behalf~~ 46207
~~of an individual, the~~ The board may contract arrange for supported 46208
living only with providers that are certified by the ~~department~~ 46209
director of mental retardation and developmental disabilities ~~and~~ 46210
~~are in compliance with the quality assurance standards established~~ 46211
~~in rules adopted by the department. The contract terms shall be as~~ 46212
~~provided in section 5126.45 of the Revised Code.~~ 46213

When no certified provider is willing and able to provide 46214
supported living for an individual in accordance with the terms of 46215
the individual service plan for that individual, a county board 46216
may provide supported living directly, if it ~~complies with~~ 46217
~~certification and quality assurance standards established by the~~ 46218
~~department~~ is certified by the director of mental retardation and 46219
developmental disabilities to provide supported living. 46220

A county board may, for a period not to exceed ninety days, 46221
contract for or provide supported living without meeting the 46222
requirements of this section for an individual it determines to be 46223
in emergency need of supported living. Thereafter, the individual 46224
shall choose providers in accordance with sections 5126.41 and 46225
5126.42 of the Revised Code. 46226

Sec. 5126.45. (A) A contract between a county board of mental 46227

retardation and developmental disabilities and a provider of 46228
supported living shall be in writing and shall be based on the 46229
individual service plan developed by the individual under section 46230
5126.41 of the Revised Code. The plan may be submitted as an 46231
addendum to the contract. An individual receiving services 46232
pursuant to a contract shall be considered a third-party 46233
beneficiary to the contract. 46234

~~The board shall not contract with a provider to provide a 46235
residence to a person to whom the provider is providing other 46236
supported living services, unless one of the following applies:~~ 46237

~~(1) The provider is under contract with the board for both 46238
residence and services on July 17, 1990, and the contract is being 46239
renewed. 46240~~

~~(2) The provider has a contract being transferred from the 46241
state to the county board under section 5126.451 of the Revised 46242
Code and the contract is being renewed. 46243~~

~~(3) The provider lives in the residence and provides services 46244
to not more than three persons who reside in the residence at any 46245
one time. 46246~~

~~(4) The provider is an association of family members related 46247
to two or more of the persons who reside in the residence and 46248
provides services to not more than four persons who reside in the 46249
residence at any one time. 46250~~

(B) The contract shall be negotiated between the provider and 46251
the county board. The terms of the contract shall include at least 46252
the following: 46253

(1) The contract period and conditions for renewal; 46254

(2) The services to be provided pursuant to the individual 46255
service plan; 46256

(3) The rights and responsibilities of all parties to the 46257

contract;	46258
(4) The methods that will be used to evaluate the services delivered by the provider;	46259 46260
(5) Procedures for contract modification that ensure all parties affected by the modification are involved and agree;	46261 46262
(6) A process for resolving conflicts between individuals receiving services, the county board, and the provider, as applicable;	46263 46264 46265
(7) Procedures for the retention of applicable records;	46266
(8) Provisions for contract termination by any party involved that include requirements for an appropriate notice of intent to terminate the contract;	46267 46268 46269
(9) Methods to be used to document services provided;	46270
(10) Procedures for submitting reports required by the county board as a condition of receiving payment under the contract;	46271 46272
(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;	46273 46274 46275
(12) Provisions for conducting fiscal reconciliations for payments made through methods other than a fee-for-service arrangement.	46276 46277 46278
(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.	46279 46280 46281 46282 46283
(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	46284 46285 46286 46287

payments in accordance with these procedures. 46288

(E) A provider or an entity with which the board has entered 46289
into a shared funding agreement may appeal a negotiated contract 46290
or proposed shared funding rate to the county board using the 46291
procedures established by the board under section 5126.42 of the 46292
Revised Code. 46293

Sec. 5126.47. A county board of mental retardation and 46294
developmental disabilities ~~that has adopted a resolution under~~ 46295
~~section 5126.40 of the Revised Code~~ may, pursuant to a resolution 46296
adopted by an affirmative vote of the majority of its members, 46297
establish, by agreement with one or more other county boards of 46298
mental retardation and developmental disabilities, a residential 46299
services consortium to jointly provide residential services and 46300
supported living. The agreement shall designate one board to 46301
assume the fiscal responsibilities for the consortium. The county 46302
auditor of the designated county shall establish a community 46303
mental retardation and developmental disabilities residential 46304
services fund for the consortium. Each board that is a member of 46305
the consortium shall cause to be deposited in the fund ~~all moneys~~ 46306
~~distributed to it by the department of mental retardation and~~ 46307
~~developmental disabilities under section 5126.44 of the Revised~~ 46308
~~Code and any other~~ state or federal money received for community 46309
residential services the county board has agreed to contribute to 46310
the consortium. 46311

Sec. 5139.43. (A) The department of youth services shall 46312
operate a felony delinquent care and custody program that shall be 46313
operated in accordance with the formula developed pursuant to 46314
section 5139.41 of the Revised Code, subject to the conditions 46315
specified in this section. 46316

(B)(1) Each juvenile court shall use the moneys disbursed to 46317

it by the department of youth services pursuant to division (B) of 46318
section 5139.41 of the Revised Code in accordance with the 46319
applicable provisions of division (B)(2) of this section and shall 46320
transmit the moneys to the county treasurer for deposit in 46321
accordance with this division. The county treasurer shall create 46322
in the county treasury a fund that shall be known as the felony 46323
delinquent care and custody fund and shall deposit in that fund 46324
the moneys disbursed to the juvenile court pursuant to division 46325
(B) of section 5139.41 of the Revised Code. The county treasurer 46326
also shall deposit into that fund the state subsidy funds granted 46327
to the county pursuant to section 5139.34 of the Revised Code. The 46328
moneys disbursed to the juvenile court pursuant to division (B) of 46329
section 5139.41 of the Revised Code and deposited pursuant to this 46330
division in the felony delinquent care and custody fund shall not 46331
be commingled with any other county funds except state subsidy 46332
funds granted to the county pursuant to section 5139.34 of the 46333
Revised Code; shall not be used for any capital construction 46334
projects; upon an order of the juvenile court and subject to 46335
appropriation by the board of county commissioners, shall be 46336
disbursed to the juvenile court for use in accordance with the 46337
applicable provisions of division (B)(2) of this section; shall 46338
not revert to the county general fund at the end of any fiscal 46339
year; and shall carry over in the felony delinquent care and 46340
custody fund from the end of any fiscal year to the next fiscal 46341
year. At the end of each fiscal year, beginning June 30, 2008, the 46342
balance in the felony delinquent care and custody fund in any 46343
county shall not exceed the total moneys allocated to the county 46344
pursuant to sections 5139.34 and 5139.41 of the Revised Code 46345
during the previous fiscal year, unless that county has applied 46346
for and been granted an exemption by the director of youth 46347
services. The department shall withhold from future payments to a 46348
county an amount equal to any moneys in the felony delinquent care 46349
and custody fund of the county that exceed the total moneys 46350

allocated pursuant to those sections to the county during the 46351
preceding fiscal year and shall reallocate the withheld amount. 46352
The department shall adopt rules for the withholding and 46353
reallocation of moneys disbursed under sections 5139.34 and 46354
5139.41 of the Revised Code and for the criteria and process for a 46355
county to obtain an exemption from the withholding requirement. 46356
The moneys disbursed to the juvenile court pursuant to division 46357
(B) of section 5139.41 of the Revised Code and deposited pursuant 46358
to this division in the felony delinquent care and custody fund 46359
shall be in addition to, and shall not be used to reduce, any 46360
usual annual increase in county funding that the juvenile court is 46361
eligible to receive or the current level of county funding of the 46362
juvenile court and of any programs or services for delinquent 46363
children, unruly children, or juvenile traffic offenders. 46364

(2)(a) A county and the juvenile court that serves the county 46365
shall use the moneys in its felony delinquent care and custody 46366
fund in accordance with rules that the department of youth 46367
services adopts pursuant to division (D) of section 5139.04 of the 46368
Revised Code and as follows: 46369

(i) The moneys in the fund that represent state subsidy funds 46370
granted to the county pursuant to section 5139.34 of the Revised 46371
Code shall be used to aid in the support of prevention, early 46372
intervention, diversion, treatment, and rehabilitation programs 46373
that are provided for alleged or adjudicated unruly children or 46374
delinquent children or for children who are at risk of becoming 46375
unruly children or delinquent children. The county shall not use 46376
for capital improvements more than fifteen per cent of the moneys 46377
in the fund that represent the applicable annual grant of those 46378
state subsidy funds. 46379

(ii) The moneys in the fund that were disbursed to the 46380
juvenile court pursuant to division (B) of section 5139.41 of the 46381
Revised Code and deposited pursuant to division (B)(1) of this 46382

section in the fund shall be used to provide programs and services 46383
for the training, treatment, or rehabilitation of felony 46384
delinquents that are alternatives to their commitment to the 46385
department, including, but not limited to, community residential 46386
programs, day treatment centers, services within the home, and 46387
electronic monitoring, and shall be used in connection with 46388
training, treatment, rehabilitation, early intervention, or other 46389
programs or services for any delinquent child, unruly child, or 46390
juvenile traffic offender who is under the jurisdiction of the 46391
juvenile court. 46392

The fund also may be used for prevention, early intervention, 46393
diversion, treatment, and rehabilitation programs that are 46394
provided for alleged or adjudicated unruly children, delinquent 46395
children, or juvenile traffic offenders or for children who are at 46396
risk of becoming unruly children, delinquent children, or juvenile 46397
traffic offenders. Consistent with division (B)(1) of this 46398
section, a county and the juvenile court of a county shall not use 46399
any of those moneys for capital construction projects. 46400

(iii) The county and the juvenile court that serves the 46401
county may not use moneys in the fund for the provision of care 46402
and services for children, including, but not limited to, care and 46403
services in a detention facility, in another facility, or in 46404
out-of-home placement, unless the minimum standards that apply to 46405
the care and services and that the department prescribes in rules 46406
adopted pursuant to division (D) of section 5139.04 of the Revised 46407
Code have been satisfied. 46408

(b) Each juvenile court shall comply with division (B)(3)(d) 46409
of this section as implemented by the department. 46410

(3) In accordance with rules adopted by the department 46411
pursuant to division (D) of section 5139.04 of the Revised Code, 46412
each juvenile court and the county served by that juvenile court 46413
shall do all of the following that apply: 46414

(a) The juvenile court shall prepare an annual grant agreement and application for funding that satisfies the requirements of this section and section 5139.34 of the Revised Code and that pertains to the use, upon an order of the juvenile court and subject to appropriation by the board of county commissioners, of the moneys in its felony delinquent care and custody fund for specified programs, care, and services as described in division (B)(2)(a) of this section, shall submit that agreement and application to the county family and children first council, the regional family and children first council, or the local intersystem services to children cluster as described in sections 121.37 and 121.38 of the Revised Code, whichever is 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 46447
to file the report required by division (B)(3)(b) of this section 46448
by the thirty-first day of August of any year, the department 46449
shall not disburse any payment of state subsidy funds to which the 46450
county otherwise is entitled pursuant to section 5139.34 of the 46451
Revised Code and shall not disburse pursuant to division (B) of 46452
section 5139.41 of the Revised Code the applicable allocation 46453
until the juvenile court fully complies with division (B)(3)(b) of 46454
this section. 46455

(c) If the department requires the juvenile court to prepare 46456
monthly statistical reports and to submit the reports on forms 46457
provided by the department, the juvenile court shall file those 46458
reports with the department on the forms so provided. If the 46459
juvenile court fails to prepare and submit those monthly 46460
statistical reports within the department's timelines, the 46461
department shall not disburse any payment of state subsidy funds 46462
to which the county otherwise is entitled pursuant to section 46463
5139.34 of the Revised Code and shall not disburse pursuant to 46464
division (B) of section 5139.41 of the Revised Code the applicable 46465
allocation until the juvenile court fully complies with division 46466
(B)(3)(c) of this section. If the juvenile court fails to prepare 46467
and submit those monthly statistical reports within one hundred 46468
eighty days of the date the department establishes for their 46469
submission, the department shall not disburse any payment of state 46470
subsidy funds to which the county otherwise is entitled pursuant 46471
to section 5139.34 of the Revised Code and shall not disburse 46472
pursuant to division (B) of section 5139.41 of the Revised Code 46473
the applicable allocation, and the state subsidy funds and the 46474
remainder of the applicable allocation shall revert to the 46475
department. If a juvenile court states in a monthly statistical 46476
report that the juvenile court adjudicated within a state fiscal 46477
year five hundred or more children to be delinquent children for 46478
committing acts that would be felonies if committed by adults and 46479

if the department determines that the data in the report may be 46480
inaccurate, the juvenile court shall have an independent auditor 46481
or other qualified entity certify the accuracy of the data on a 46482
date determined by the department. 46483

(d) If the department requires the juvenile court and the 46484
county to participate in a fiscal monitoring program or another 46485
monitoring program that is conducted by the department to ensure 46486
compliance by the juvenile court and the county with division (B) 46487
of this section, the juvenile court and the county shall 46488
participate in the program and fully comply with any guidelines 46489
for the performance of audits adopted by the department pursuant 46490
to that program and all requests made by the department pursuant 46491
to that program for information necessary to reconcile fiscal 46492
accounting. If an audit that is performed pursuant to a fiscal 46493
monitoring program or another monitoring program described in this 46494
division determines that the juvenile court or the county used 46495
moneys in the county's felony delinquent care and custody fund for 46496
expenses that are not authorized under division (B) of this 46497
section, within forty-five days after the department notifies the 46498
county of the unauthorized expenditures, the county either shall 46499
repay the amount of the unauthorized expenditures from the county 46500
general revenue fund to the state's general revenue fund or shall 46501
file a written appeal with the department. If an appeal is timely 46502
filed, the director of the department shall render a decision on 46503
the appeal and shall notify the appellant county or its juvenile 46504
court of that decision within forty-five days after the date that 46505
the appeal is filed. If the director denies an appeal, the 46506
county's fiscal agent shall repay the amount of the unauthorized 46507
expenditures from the county general revenue fund to the state's 46508
general revenue fund within thirty days after receiving the 46509
director's notification of the appeal decision. If the county 46510
fails to make the repayment within that thirty-day period and if 46511
the unauthorized expenditures pertain to moneys allocated under 46512

sections 5139.41 to 5139.43 of the Revised Code, the department 46513
shall deduct the amount of the unauthorized expenditures from the 46514
next allocation of those moneys to the county in accordance with 46515
this section or from the allocations that otherwise would be made 46516
under those sections to the county during the next state fiscal 46517
year in accordance with this section and shall return that 46518
deducted amount to the state's general revenue fund. If the county 46519
fails to make the repayment within that thirty-day period and if 46520
the unauthorized expenditures pertain to moneys granted pursuant 46521
to section 5139.34 of the Revised Code, the department shall 46522
deduct the amount of the unauthorized expenditures from the next 46523
annual grant to the county pursuant to that section and shall 46524
return that deducted amount to the state's general revenue fund. 46525

(C) The determination of which county a reduction of the care 46526
and custody allocation will be charged against for a particular 46527
youth shall be made as outlined below for all youths who do not 46528
qualify as public safety beds. The determination of which county a 46529
reduction of the care and custody allocation will be charged 46530
against shall be made as follows until each youth is released: 46531
46532

(1) In the event of a commitment, the reduction shall be 46533
charged against the committing county. 46534

(2) In the event of a recommitment, the reduction shall be 46535
charged against the original committing county until the 46536
expiration of the minimum period of institutionalization under the 46537
original order of commitment or until the date on which the youth 46538
is admitted to the department of youth services pursuant to the 46539
order of recommitment, whichever is later. Reductions of the 46540
allocation shall be charged against the county that recommitted 46541
the youth after the minimum expiration date of the original 46542
commitment. 46543

(3) In the event of a revocation of a release on parole, the 46544

reduction shall be charged against the county that revokes the youth's parole. 46545
46546

(D) A juvenile court is not precluded by its allocation amount for the care and custody of felony delinquents from committing a felony delinquent to the department of youth services for care and custody in an institution or a community corrections facility when the juvenile court determines that the commitment is appropriate. 46547
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Sec. 5302.221. (A) As used in this section: 46553

"Estate" has the same meaning as in section 5111.11 of the Revised Code. 46554
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"Medicaid estate recovery program" means the program instituted under section 5111.11 of the Revised Code. 46556
46557

(B) The administrator of the medicaid estate recovery program shall prescribe a form on which a beneficiary of a transfer on death deed as provided in section 5302.22 of the Revised Code, who survives the deceased owner of the real property or an interest in the real property or that is in existence on the date of death of the deceased owner, or such a beneficiary's representative is to indicate both of the following: 46558
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(1) Whether the deceased owner was either of the following: 46565

(a) A decedent subject to the medicaid estate recovery program; 46566
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(b) The spouse of a decedent subject to the medicaid estate recovery program. 46568
46569

(2) Whether the real property or interest in the real property was part of the estate of a decedent subject to the medicaid estate recovery program. 46570
46571
46572

(C) A county recorder shall obtain a properly completed form 46573

prescribed under division (B) of this section from the beneficiary 46574
of a transfer on death deed or the beneficiary's representative 46575
and send a copy of the form to the administrator of the medicaid 46576
estate recovery program before recording the transfer of the real 46577
property or interest in the real property under division (C) of 46578
section 5302.22 of the Revised Code. 46579

Sec. 5302.30. (A) As used in this section: 46580

(1) "Good faith" means honesty in fact in a transaction 46581
involving the transfer of residential real property. 46582

(2) "Land installment contract" has the same meaning as in 46583
section 5313.01 of the Revised Code. 46584

(3) "Political subdivision" and "state" have the same 46585
meanings as in section 2744.01 of the Revised Code. 46586

(4) "Residential real property" means real property that is 46587
improved by a building or other structure that has one to four 46588
dwelling units. 46589

(B)(1) Except as provided in division (B)(2) of this section, 46590
this section applies to any transfer of residential real property 46591
that occurs on or after July 1, 1993, by sale, land installment 46592
contract, lease with option to purchase, exchange, or lease for a 46593
term of ninety-nine years and renewable forever. For purposes of 46594
this section, a transfer occurs when the initial contract for 46595
transfer is executed, regardless of when legal title is 46596
transferred, and references in this section to transfer offers and 46597
transfer agreements refer to offers and agreements in respect of 46598
the initial contract for transfer. 46599

(2) This section does not apply to any transfer of 46600
residential real property that is any of the following: 46601

(a) A transfer pursuant to court order, including, but not 46602
limited to, a transfer ordered by a probate court during the 46603

administration of a decedent's estate, a transfer pursuant to a	46604
writ of execution, a transfer by a trustee in bankruptcy, a	46605
transfer as a result of the exercise of the power of eminent	46606
domain, and a transfer that results from a decree for specific	46607
performance of a contract or other agreement between persons;	46608
(b) A transfer to a mortgagee by a mortgagor by deed in lieu	46609
of foreclosure or in satisfaction of the mortgage debt;	46610
(c) A transfer to a beneficiary of a deed of trust by a	46611
trustor in default;	46612
(d) A transfer by a foreclosure sale that follows a default	46613
in the satisfaction of an obligation secured by a mortgage;	46614
(e) A transfer by a sale under a power of sale following a	46615
default in the satisfaction of an obligation that is secured by a	46616
deed of trust or another instrument containing a power of sale;	46617
(f) A transfer by a mortgagee, or a beneficiary under a deed	46618
of trust, who has acquired the residential real property at a sale	46619
conducted pursuant to a power of sale under a mortgage or a deed	46620
of trust or who has acquired the residential real property by a	46621
deed in lieu of foreclosure;	46622
(g) A transfer by a fiduciary in the course of the	46623
administration of a decedent's estate, a guardianship, a	46624
conservatorship, or a trust;	46625
(h) A transfer from one co-owner to one or more other	46626
co-owners;	46627
(i) A transfer made to the transferor's spouse or to one or	46628
more persons in the lineal line of consanguinity of one or more of	46629
the transferors;	46630
(j) A transfer between spouses or former spouses as a result	46631
of a decree of divorce, dissolution of marriage, annulment, or	46632
legal separation or as a result of a property settlement agreement	46633

incidental to a decree of divorce, dissolution of marriage,
annulment, or legal separation;

(k) A transfer to or from the state, a political subdivision
of the state, or another governmental entity;

(l) A transfer that involves newly constructed residential
real property that previously has not been inhabited;

(m) A transfer to a transferee who has occupied the property
as a personal residence for one or more years immediately prior to
the transfer;

(n) A transfer from a transferor who both has not occupied
the property as a personal residence within one year immediately
prior to the transfer and has acquired the property through
inheritance or devise.

(C) Except as provided in division (B)(2) of this section and
subject to divisions (E) and (F) of this section, every person who
intends to transfer any residential real property on or after July
1, 1993, by sale, land installment contract, lease with option to
purchase, exchange, or lease for a term of ninety-nine years and
renewable forever shall complete all applicable items in a
property disclosure form prescribed under division (D) of this
section and shall deliver in accordance with division (I) of this
section a signed and dated copy of the completed form to each
prospective transferee or prospective transferee's agent as soon
as is practicable.

(D)~~(1)~~ Prior to July 1, 1993, the director of commerce, by
rule adopted in accordance with Chapter 119. of the Revised Code,
shall prescribe the disclosure form to be completed by
transferors. The form prescribed by the director shall be designed
to permit the transferor to disclose material matters relating to
the physical condition of the property to be transferred,
including, but not limited to, the source of water supply to the

property; the nature of the sewer system serving the property; the 46665
condition of the structure of the property, including the roof, 46666
foundation, walls, and floors; the presence of hazardous materials 46667
or substances, including lead-based paint, asbestos, 46668
urea-formaldehyde foam insulation, and radon gas; and any material 46669
defects in the property that are within the actual knowledge of 46670
the transferor. 46671

The form also shall set forth a statement of the purpose of 46672
the form, including statements substantially similar to the 46673
following: that the form constitutes a statement of the conditions 46674
of the property and of information concerning the property 46675
actually known by the transferor; that, unless the transferee is 46676
otherwise advised in writing, the transferor, other than having 46677
lived at or owning the property, possesses no greater knowledge 46678
than that which could be obtained by a careful inspection of the 46679
property by a potential transferee; that the statement is not a 46680
warranty of any kind by the transferor or by any agent or subagent 46681
representing the transferor in this transaction; that the 46682
statement is not a substitute for any inspections; that the 46683
transferee is encouraged to obtain the transferee's own 46684
professional inspection; that the representations are made by the 46685
transferor and are not the representations of the transferor's 46686
agent or subagent; and that the form and the representations 46687
contained therein are provided by the transferor exclusively to 46688
potential transferees in a transfer made by the transferor, and 46689
are not made to transferees in any subsequent transfers. 46690

The form shall include instructions to the transferor for 46691
completing the form, space in which the transferor or transferors 46692
shall sign and date the form, and space in which the transferee or 46693
transferees shall sign and date the form acknowledging receipt of 46694
a copy of the form and stating that the transferee or transferees 46695
understand the purpose of the form as stated thereon. 46696

~~(2) Not later than January 1, 2006, the director shall revise the disclosure form to include a statement that information on the operation and maintenance of the type of sewage treatment system serving the property is available from the department of health or the board of health of the health district in which the property is located.~~

~~As used in this section, "sewage treatment system" has the same meaning as in section 3718.01 of the Revised Code.~~

(E)(1) Each disclosure of an item of information that is required to be made in the property disclosure form prescribed under division (D) of this section in connection with particular residential real property and each act that may be performed in making any disclosure of an item of information shall be made or performed in good faith.

(2) If an item of information is unknown to the transferor of residential real property at the time the item is required to be disclosed in the property disclosure form and if the approximation is not used for the purpose of circumventing or otherwise evading divisions (C) and (D) of this section, the transferor may make a good faith approximation of the item of information.

(F)(1) A transferor of residential real property is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from any error in, inaccuracy of, or omission of any item of information required to be disclosed in the property disclosure form if the error, inaccuracy, or omission was not within the transferor's actual knowledge.

(2) If any item of information that is disclosed in the property disclosure form is rendered inaccurate after the delivery of the form to the transferee of residential real property or the transferee's agent as a result of any act, occurrence, or

agreement, the subsequent inaccuracy does not cause, and shall not
be construed as causing, the transferor of the residential real
property to be in noncompliance with the requirements of divisions
(C) and (D) of this section.

(G) Any disclosure of an item of information in the property
disclosure form prescribed under division (D) of this section may
be amended in writing by the transferor of residential real
property at any time following the delivery of the form in
accordance with divisions (C) and (I) of this section. The
amendment shall be subject to this section.

(H) Except as provided in division (B)(2) of this section,
every prospective transferee of residential real property who
receives in accordance with division (C) of this section a signed
and dated copy of a completed property disclosure form as
prescribed under division (D) of this section shall acknowledge
receipt of the form by doing both of the following:

(1) Signing and dating a copy of the form;

(2) Delivering a signed and dated copy of the form to the
transferor or the transferor's agent or subagent.

(I) The transferor's delivery under division (C) of this
section of a property disclosure form as prescribed under division
(D) of this section and the prospective transferee's delivery
under division (H) of this section of an acknowledgment of receipt
of that form shall be made by personal delivery to the other party
or the other party's agent or subagent, by ordinary mail or
certified mail, return receipt requested, or by facsimile
transmission. For the purposes of the delivery requirements of
this section, the delivery of a property disclosure form to a
prospective co-transferee of residential real property or a
prospective co-transferee's agent shall be considered delivery to
the other prospective transferees unless otherwise provided by

contract. 46759

(J) The specification of items of information that must be 46760
disclosed in the property disclosure form as prescribed under 46761
division (D)~~(1)~~ of this section does not limit or abridge, and 46762
shall not be construed as limiting or abridging, any obligation to 46763
disclose an item of information that is created by any other 46764
provision of the Revised Code or the common law of this state or 46765
that may exist in order to preclude fraud, either by 46766
misrepresentation, concealment, or nondisclosure in a transaction 46767
involving the transfer of residential real property. The 46768
disclosure requirements of this section do not bar, and shall not 46769
be construed as barring, the application of any legal or equitable 46770
defense that a transferor of residential real property may assert 46771
in a civil action commenced against the transferor by a 46772
prospective or actual transferee of that property. 46773

(K)(1) Except as provided in division (K)(2) of this section, 46774
but subject to divisions (J) and (L) of this section, a transfer 46775
of residential real property that is subject to this section shall 46776
not be invalidated because of the failure of the transferor to 46777
provide to the transferee in accordance with division (C) of this 46778
section a completed property disclosure form as prescribed under 46779
division (D) of this section. 46780

(2) Subject to division (K)(3)(c) of this section, if a 46781
transferee of residential real property that is subject to this 46782
section receives a property disclosure form or an amendment of 46783
that form as described in division (G) of this section after the 46784
transferee has entered into a transfer agreement with respect to 46785
the property, the transferee, after receipt of the form or 46786
amendment, may rescind the transfer agreement in a written, 46787
signed, and dated document that is delivered to the transferor or 46788
the transferor's agent or subagent in accordance with divisions 46789
(K)(3)(a) and (b) of this section, without incurring any legal 46790

liability to the transferor because of the rescission, including, 46791
but not limited to, a civil action for specific performance of the 46792
transfer agreement. Upon the rescission of the transfer agreement, 46793
the transferee is entitled to the return of, and the transferor 46794
shall return, any deposits made by the transferee in connection 46795
with the proposed transfer of the residential real property. 46796

(3)(a) Subject to division (K)(3)(b) of this section, a 46797
rescission of a transfer agreement under division (K)(2) of this 46798
section only may occur if the transferee's written, signed, and 46799
dated document of rescission is delivered to the transferor or the 46800
transferor's agent or subagent within three business days 46801
following the date on which the transferee or the transferee's 46802
agent receives the property disclosure form prescribed under 46803
division (D) of this section or the amendment of that form as 46804
described in division (G) of this section. 46805

(b) A transferee may not rescind a transfer agreement under 46806
division (K)(2) of this section unless the transferee rescinds the 46807
transfer agreement by the earlier of the date that is thirty days 46808
after the date upon which the transferor accepted the transferee's 46809
transfer offer or the date of the closing of the transfer of the 46810
residential real property. 46811

(c) A transferee of residential real property may waive the 46812
right of rescission of a transfer agreement described in division 46813
(K)(2) of this section. 46814

(d) A rescission of a transfer agreement is not permissible 46815
under division (K)(2) of this section if a transferee of 46816
residential real property that is subject to this section receives 46817
a property disclosure form as prescribed under division (D) of 46818
this section or an amendment of that form as described in division 46819
(G) of this section prior to the transferee's submission to the 46820
transferor or the transferor's agent or subagent of a transfer 46821
offer and the transferee's entry into a transfer agreement with 46822

respect to the property. 46823

(4) If a transferee of residential real property subject to 46824
this section does not receive a property disclosure form from the 46825
transferor after the transferee has submitted to the transferor or 46826
the transferor's agent or subagent a transfer offer and has 46827
entered into a transfer agreement with respect to the property, 46828
the transferee may rescind the transfer agreement in a written, 46829
signed, and dated document that is delivered to the transferor or 46830
the transferor's agent or subagent in accordance with division 46831
(K)(4) of this section without incurring any legal liability to 46832
the transferor because of the rescission, including, but not 46833
limited to, a civil action for specific performance of the 46834
transfer agreement. Upon the rescission of the transfer agreement, 46835
the transferee is entitled to the return of, and the transferor 46836
shall return, any deposits made by the transferee in connection 46837
with the proposed transfer of the residential real property. A 46838
transferee may not rescind a transfer agreement under division 46839
(K)(4) of this section unless the transferee rescinds the transfer 46840
agreement by the earlier of the date that is thirty days after the 46841
date upon which the transferor accepted the transferee's transfer 46842
offer or the date of the closing of the transfer of the 46843
residential real property. 46844

(L) The right of rescission of a transfer agreement described 46845
in division (K)(2) of this section or the absence of that right 46846
does not affect, and shall not be construed as affecting, any 46847
other legal causes of action or other remedies that a transferee 46848
or prospective transferee of residential real property may possess 46849
against the transferor of that property. 46850

Sec. 5309.082. (A) As used in this section: 46851

"Estate" has the same meaning as in section 5111.11 of the 46852
Revised Code. 46853

"Medicaid estate recovery program" means the program 46854
instituted under section 5111.11 of the Revised Code. 46855

(B) The administrator of the medicaid estate recovery program 46856
shall prescribe a form on which a surviving tenant under a 46857
survivorship tenancy or such a surviving tenant's representative 46858
is to indicate both of the following: 46859

(1) Whether the deceased survivorship tenant was either of 46860
the following: 46861

(a) A decedent subject to the medicaid estate recovery 46862
program; 46863

(b) The spouse of a decedent subject to the medicaid estate 46864
recovery program. 46865

(2) Whether the registered land under a survivorship tenancy 46866
was part of the estate of a decedent subject to the medicaid 46867
estate recovery program. 46868

(C) A county recorder shall obtain a properly completed form 46869
prescribed under division (B) of this section from the surviving 46870
tenant under a survivorship tenancy or the surviving tenant's 46871
representative and send a copy of the form to the administrator of 46872
the medicaid estate recovery program before registering the title 46873
in the surviving tenants under section 5309.081 of the Revised 46874
Code. 46875

Sec. 5323.01. As used in this chapter: 46876

(A) "Hotel" has the same meaning as in section 3731.01 of the 46877
Revised Code. 46878

(B) "Manufactured home" has the same meaning as in section 46879
3781.06 of the Revised Code. 46880

(C) "Mobile home" and "recreational vehicle" have the same 46881
meanings as in section 4501.01 of the Revised Code. 46882

(D) "Political subdivision" means a county, that has a population of more than two hundred thousand according to the most recent decennial census or a township, municipal corporation, or other body corporate and politic that is located in a county that has a population of more than two hundred thousand according to the most recent decennial census and is responsible for government activities in a geographic area smaller than that of the state.

(E) "Residential rental property" means real property that is located in a county that has a population of more than two hundred thousand according to the most recent decennial census and on which is located one or more dwelling units leased or otherwise rented to tenants solely for residential purposes, or a mobile home park or other permanent or semipermanent site at which lots are leased or otherwise rented to tenants for the parking of a manufactured home, mobile home, or recreational vehicle that is used solely for residential purposes. "Residential rental property" does not include a hotel or a college or university dormitory.

Sec. 5323.02. (A) An owner of residential rental property shall file with the county auditor of the county in which the property is located the following information:

(1) The name, address, and telephone number of the owner;

(2) If the residential rental property is owned by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, the name, address, and telephone number of the following:

(a) A trustee, in the case of a trust or business trust;

(b) The executor or administrator, in the case of an estate;

(c) A general partner, in the case of a partnership or a limited partnership;

(d) A member, manager, or officer, in the case of a limited liability company;	46913 46914
(e) An associate, in the case of an association;	46915
(f) An officer, in the case of a corporation;	46916
(g) A member, manager, or officer, in the case of any other business entity.	46917 46918
(3) The street address and permanent parcel number of the residential rental property;	46919 46920
(4) If the residential rental property has dwelling units that are leased or otherwise rented to tenants, the year the units were built.	46921 46922 46923
(B) The information required under division (A) of this section shall be filed and maintained in a manner to be determined by the county auditor <u>on the tax duplicate and the real property record.</u>	46924 46925 46926 46927
(C) An owner of residential rental property shall update the information required under division (A) of this section within ten days after any change in the information occurs.	46928 46929 46930
<u>(D) The county auditor shall provide an owner of residential rental property located in a county that has a population of more than two hundred thousand according to the most recent decennial census with written notice of the requirement to file the information required under division (A) of this section and the requirement to update that information under division (C) of this section prior to the sexennial reappraisal.</u>	46931 46932 46933 46934 46935 46936 46937
<u>(E) The owner of residential real property shall comply with the requirements under divisions (A) and (C) of this section within sixty days after receiving the notice provided under division (D) of this section, division (D) of section 319.202, or division (B) of section 323.131 of the Revised Code.</u>	46938 46939 46940 46941 46942

Sec. 5323.99. No owner of residential rental property shall 46943
fail to comply with the filing or updating of information 46944
requirements of section 5323.02 of the Revised Code or shall fail 46945
to satisfy the designation of agent requirement or the filing of 46946
the appropriate designation of agent document requirement of 46947
section 5323.03 of the Revised Code. ~~Whoever violates this section~~ 46948
~~is guilty of a minor misdemeanor~~ The county auditor may impose 46949
upon any person who violates this section, as a lien against the 46950
residential rental property that is the subject of the violation, 46951
a fine of not more than one hundred fifty dollars. 46952

Sec. 5528.54. (A) The commissioners of the sinking fund are 46953
authorized to issue and sell, as provided in this section and in 46954
amounts from time to time authorized by the general assembly, 46955
general obligations of this state for the purpose of financing or 46956
assisting in the financing of the costs of projects. The full 46957
faith and credit, revenues, and taxing power of the state are and 46958
shall be pledged to the timely payment of bond service charges on 46959
outstanding obligations, all in accordance with Section 2m of 46960
Article VIII, Ohio Constitution, and sections 5528.51 to 5528.53 46961
of the Revised Code, and so long as such obligations are 46962
outstanding there shall be levied and collected excises, taxes, 46963
and other revenues in amounts sufficient to pay the bond service 46964
charges on such obligations and costs relating to credit 46965
enhancement facilities. 46966

(B) Not more than two hundred twenty million dollars 46967
principal amount of obligations, plus the principal amount of 46968
obligations that in any prior fiscal years could have been, but 46969
were not issued within that two-hundred-twenty-million-dollar 46970
fiscal year limit, may be issued in any fiscal year, and not more 46971
~~that~~ than one billion two hundred million dollars principal amount 46972
of obligations may be outstanding at any one time, all determined 46973

as provided in sections 5528.51 to 5528.53 of the Revised Code. 46974

(C) The state may participate in financing projects by 46975
grants, loans, or contributions to local government entities. 46976

(D) Each issue of obligations shall be authorized by 46977
resolution of the commissioners. The bond proceedings shall 46978
provide for the principal amount or maximum principal amount of 46979
obligations of an issue, and shall provide for or authorize the 46980
manner for determining the principal maturity or maturities, not 46981
exceeding the earlier of thirty years from the date of issuance of 46982
the particular obligations or thirty years from the date the debt 46983
represented by the particular obligations was originally 46984
contracted, the interest rate or rates, the date of and the dates 46985
of payment of interest on the obligations, their denominations, 46986
and the establishment within or outside the state of a place or 46987
places of payment of bond service charges. Sections 9.96, 9.98, 46988
9.981, 9.982, and 9.983 of the Revised Code are applicable to the 46989
obligations. The purpose of the obligations may be stated in the 46990
bond proceedings as "financing or assisting in the financing of 46991
highway capital improvement projects as provided in Section 2m of 46992
Article VIII, Ohio Constitution." 46993

(E) The proceeds of the obligations, except for any portion 46994
to be deposited into special funds, or into escrow funds for the 46995
purpose of refunding outstanding obligations, all as may be 46996
provided in the bond proceedings, shall be deposited into the 46997
highway capital improvement fund established by section 5528.53 of 46998
the Revised Code. 46999

(F) The commissioners may appoint or provide for the 47000
appointment of paying agents, bond registrars, securities 47001
depositories, and transfer agents, and may retain the services of 47002
financial advisers and accounting experts, and retain or contract 47003
for the services of marketing, remarketing, indexing, and 47004
administrative agents, other consultants, and independent 47005

contractors, including printing services, as are necessary in the 47006
judgment of the commissioners to carry out sections 5528.51 to 47007
5528.53 of the Revised Code. Financing costs are payable, as 47008
provided in the bond proceedings, from the proceeds of the 47009
obligations, from special funds, or from other moneys available 47010
for the purpose. 47011

(G) The bond proceedings, including any trust agreement, may 47012
contain additional provisions customary or appropriate to the 47013
financing or to the obligations or to particular obligations 47014
including, but not limited to: 47015

(1) The redemption of obligations prior to maturity at the 47016
option of the state or of the holder or upon the occurrence of 47017
certain conditions at such price or prices and under such terms 47018
and conditions as are provided in the bond proceedings; 47019

(2) The form of and other terms of the obligations; 47020

(3) The establishment, deposit, investment, and application 47021
of special funds, and the safeguarding of moneys on hand or on 47022
deposit, in lieu of otherwise applicable provisions of Chapter 47023
131. or 135. of the Revised Code, but subject to any special 47024
provisions of this section with respect to particular funds or 47025
moneys, and provided that any bank or trust company that acts as a 47026
depository of any moneys in special funds may furnish such 47027
indemnifying bonds or may pledge such securities as required by 47028
the commissioners; 47029

(4) Any or every provision of the bond proceedings binding 47030
upon the commissioners and such state agency or local government 47031
entities, officer, board, commission, authority, agency, 47032
department, or other person or body as may from time to time have 47033
the authority under law to take such actions as may be necessary 47034
to perform all or any part of the duty required by such provision; 47035

(5) The maintenance of each pledge, any trust agreement, or 47036

other instrument composing part of the bond proceedings until the 47037
state has fully paid or provided for the payment of the bond 47038
service charges on the obligations or met other stated conditions; 47039

(6) In the event of default in any payments required to be 47040
made by the bond proceedings, or any other agreement of the 47041
commissioners made as part of a contract under which the 47042
obligations were issued or secured, the enforcement of such 47043
payments or agreements by mandamus, suit in equity, action at law, 47044
or any combination of the foregoing; 47045

(7) The rights and remedies of the holders of obligations and 47046
of the trustee under any trust agreement, and provisions for 47047
protecting and enforcing them, including limitations on rights of 47048
individual holders of obligations; 47049

(8) The replacement of any obligations that become mutilated 47050
or are destroyed, lost, or stolen; 47051

(9) Provision for the funding, refunding, or advance 47052
refunding or other provision for payment of obligations that will 47053
then no longer be outstanding for purposes of sections 5528.51 to 47054
5528.56 of the Revised Code or of the bond proceedings; 47055

(10) Any provision that may be made in bond proceedings or a 47056
trust agreement, including provision for amendment of the bond 47057
proceedings; 47058

(11) Any other or additional agreements with the holders of 47059
the obligations relating to any of the foregoing; 47060

(12) Such other provisions as the commissioners determine, 47061
including limitations, conditions, or qualifications relating to 47062
any of the foregoing. 47063

(H) The great seal of the state or a facsimile of that seal 47064
may be affixed to or printed on the obligations. The obligations 47065
requiring signatures by the commissioners shall be signed by or 47066

bear the facsimile signatures of two or more of the commissioners 47067
as provided in the bond proceedings. Any obligations may be signed 47068
by the person who, on the date of execution, is the authorized 47069
signer although on the date of such obligations such person was 47070
not a commissioner. In case the individual whose signature or a 47071
facsimile of whose signature appears on any obligation ceases to 47072
be a commissioner before delivery of the obligation, such 47073
signature or facsimile is nevertheless valid and sufficient for 47074
all purposes as if that individual had remained the member until 47075
such delivery, and in case the seal to be affixed to or printed on 47076
obligations has been changed after the seal has been affixed to or 47077
a facsimile of the seal has been printed on the obligations, that 47078
seal or facsimile seal shall continue to be sufficient as to those 47079
obligations and obligations issued in substitution or exchange 47080
therefor. 47081

(I) The obligations are negotiable instruments and securities 47082
under Chapter 1308. of the Revised Code, subject to the provisions 47083
of the bond proceedings as to registration. Obligations may be 47084
issued in coupon or in fully registered form, or both, as the 47085
commissioners determine. Provision may be made for the 47086
registration of any obligations with coupons attached as to 47087
principal alone or as to both principal and interest, their 47088
exchange for obligations so registered, and for the conversion or 47089
reconversion into obligations with coupons attached of any 47090
obligations registered as to both principal and interest, and for 47091
reasonable charges for such registration, exchange, conversion, 47092
and reconversion. Pending preparation of definitive obligations, 47093
the commissioners may issue interim receipts or certificates which 47094
shall be exchanged for such definitive obligations. 47095

(J) Obligations may be sold at public sale or at private 47096
sale, and at such price at, above, or below par, as determined by 47097
the commissioners in the bond proceedings. 47098

(K) In the discretion of the commissioners, obligations may 47099
be secured additionally by a trust agreement between the state and 47100
a corporate trustee which may be any trust company or bank having 47101
~~its principal~~ a place of business within the state. Any trust 47102
agreement may contain the resolution authorizing the issuance of 47103
the obligations, any provisions that may be contained in the bond 47104
proceedings, and other provisions that are customary or 47105
appropriate in an agreement of the type. 47106

(L) Except to the extent that their rights are restricted by 47107
the bond proceedings, any holder of obligations, or a trustee 47108
under the bond proceedings may by any suitable form of legal 47109
proceedings protect and enforce any rights under the laws of this 47110
state or granted by the bond proceedings. Such rights include the 47111
right to compel the performance of all duties of the commissioners 47112
and the state. Each duty of the commissioners and its employees, 47113
and of each state agency and local government entity and its 47114
officers, members, or employees, undertaken pursuant to the bond 47115
proceedings, is hereby established as a duty of the commissioners, 47116
and of each such agency, local government entity, officer, member, 47117
or employee having authority to perform such duty, specifically 47118
enjoined by the law and resulting from an office, trust, or 47119
station within the meaning of section 2731.01 of the Revised Code. 47120
The persons who are at the time the commissioners of the sinking 47121
fund, or its employees, are not liable in their personal 47122
capacities on any obligations or any agreements of or with the 47123
commissioners relating to obligations or under the bond 47124
proceedings. 47125

(M) Obligations are lawful investments for banks, societies 47126
for savings, savings and loan associations, deposit guarantee 47127
associations, trust companies, trustees, fiduciaries, insurance 47128
companies, including domestic for life and domestic not for life, 47129
trustees or other officers having charge of sinking and bond 47130

retirement or other special funds of political subdivisions and 47131
taxing districts of this state, the commissioners of the sinking 47132
fund, the administrator of workers' compensation, subject to the 47133
approval of the workers' compensation board and the industrial 47134
commission, the state teachers retirement system, the public 47135
employees retirement system, the school employees retirement 47136
system, and the Ohio police and fire pension fund, notwithstanding 47137
any other provisions of the Revised Code or rules adopted pursuant 47138
thereto by any state agency with respect to investments by them, 47139
and are also acceptable as security for the deposit of public 47140
moneys. 47141

(N) Unless otherwise provided in any applicable bond 47142
proceedings, moneys to the credit of or in the special funds 47143
established by or pursuant to this section may be invested by or 47144
on behalf of the commissioners only in notes, bonds, or other 47145
direct obligations of the United States or of any agency or 47146
instrumentality thereof, in obligations of this state or any 47147
political subdivision of this state, in certificates of deposit of 47148
any national bank located in this state and any bank, as defined 47149
in section 1101.01 of the Revised Code, subject to inspection by 47150
the superintendent of financial institutions, in the Ohio 47151
subdivision's fund established pursuant to section 135.45 of the 47152
Revised Code, in no-front-end-load money market mutual funds 47153
consisting exclusively of direct obligations of the United States 47154
or of an agency or instrumentality thereof, and in repurchase 47155
agreements, including those issued by any fiduciary, secured by 47156
direct obligations of the United States or an agency or 47157
instrumentality thereof, and in common trust funds established in 47158
accordance with section 1109.20 of the Revised Code and consisting 47159
exclusively of direct obligations of the United States or of an 47160
agency or instrumentality thereof, notwithstanding division (A)(4) 47161
of that section. The income from investments shall be credited to 47162
such special funds or otherwise as the commissioners determine in 47163

the bond proceedings, and the investments may be sold or exchanged 47164
at such times as the commissioners determine or authorize. 47165

(O) Unless otherwise provided in any applicable bond 47166
proceedings, moneys to the credit of or in a special fund shall be 47167
disbursed on the order of the commissioners, provided that no such 47168
order is required for the payment from the bond service fund or 47169
other special fund when due of bond service charges or required 47170
payments under credit enhancement facilities. 47171

(P) The commissioners may covenant in the bond proceedings, 47172
and any such covenants shall be controlling notwithstanding any 47173
other provision of law, that the state and the applicable officers 47174
and agencies of the state, including the general assembly, shall, 47175
so long as any obligations are outstanding in accordance with 47176
their terms, maintain statutory authority for and cause to be 47177
charged and collected taxes, excises, and other receipts of the 47178
state so that the receipts to the bond service fund shall be 47179
sufficient in amounts to meet bond service charges and for the 47180
establishment and maintenance of any reserves and other 47181
requirements, including payment of financing costs, provided for 47182
in the bond proceedings. 47183

(Q) The obligations, and the transfer of, and the interest, 47184
interest equivalent, and other income and accreted amounts from, 47185
including any profit made on the sale, exchange, or other 47186
disposition of, the obligations shall at all times be free from 47187
taxation, direct or indirect, within the state. 47188

(R) This section applies only with respect to obligations 47189
issued and delivered prior to September 30, 2000. 47190

Sec. 5531.10. (A) As used in this chapter: 47191

(1) "Bond proceedings" means the resolution, order, trust 47192
agreement, indenture, lease, lease-purchase agreements, and other 47193

agreements, amendments and supplements to the foregoing, or any 47194
one or more or combination thereof, authorizing or providing for 47195
the terms and conditions applicable to, or providing for the 47196
security or liquidity of, obligations issued pursuant to this 47197
section, and the provisions contained in such obligations. 47198

(2) "Bond service charges" means principal, including 47199
mandatory sinking fund requirements for retirement of obligations, 47200
and interest, and redemption premium, if any, required to be paid 47201
by the state on obligations. 47202

(3) "Bond service fund" means the applicable fund and 47203
accounts therein created for and pledged to the payment of bond 47204
service charges, which may be, or may be part of, the state 47205
infrastructure bank revenue bond service fund created by division 47206
(R) of this section including all moneys and investments, and 47207
earnings from investments, credited and to be credited thereto. 47208

(4) "Issuing authority" means the treasurer of state, or the 47209
officer who by law performs the functions of the treasurer of 47210
state. 47211

(5) "Obligations" means bonds, notes, or other evidence of 47212
obligation including interest coupons pertaining thereto, issued 47213
pursuant to this section. 47214

(6) "Pledged receipts" means moneys accruing to the state 47215
from the lease, lease-purchase, sale, or other disposition, or 47216
use, of qualified projects, and from the repayment, including 47217
interest, of loans made from proceeds received from the sale of 47218
obligations; accrued interest received from the sale of 47219
obligations; income from the investment of the special funds; any 47220
gifts, grants, donations, and pledges, and receipts therefrom, 47221
available for the payment of bond service charges; and any amounts 47222
in the state infrastructure bank pledged to the payment of such 47223
charges. If the amounts in the state infrastructure bank are 47224

insufficient for the payment of such charges, "pledged receipts" 47225
also means moneys that are apportioned by the United States 47226
secretary of transportation under United States Code, Title XXIII, 47227
as amended, or any successor legislation, or under any other 47228
federal law relating to aid for highways, and that are to be 47229
received as a grant by the state, to the extent the state is not 47230
prohibited by state or federal law from using such moneys and the 47231
moneys are pledged to the payment of such bond service charges. 47232

(7) "Special funds" or "funds" means, except where the 47233
context does not permit, the bond service fund, and any other 47234
funds, including reserve funds, created under the bond 47235
proceedings, and the state infrastructure bank revenue bond 47236
service fund created by division (R) of this section to the extent 47237
provided in the bond proceedings, including all moneys and 47238
investments, and earnings from investment, credited and to be 47239
credited thereto. 47240

(8) "State infrastructure project" means any public 47241
transportation project undertaken by the state, including, but not 47242
limited to, all components of any such project, as described in 47243
division (D) of section 5531.09 of the Revised Code. 47244

(9) "District obligations" means bonds, notes, or other 47245
evidence of obligation including interest coupons pertaining 47246
thereto, issued to finance a qualified project by a transportation 47247
improvement district created pursuant to section 5540.02 of the 47248
Revised Code, of which the principal, including mandatory sinking 47249
fund requirements for retirement of such obligations, and interest 47250
and redemption premium, if any, are payable by the department of 47251
transportation. 47252

(B) The issuing authority, after giving written notice to the 47253
director of budget and management and upon the certification by 47254
the director of transportation to the issuing authority of the 47255
amount of moneys or additional moneys needed either for state 47256

infrastructure projects or to provide financial assistance for any 47257
of the purposes for which the state infrastructure bank may be 47258
used under section 5531.09 of the Revised Code, or needed for 47259
capitalized interest, funding reserves, and paying costs and 47260
expenses incurred in connection with the issuance, carrying, 47261
securing, paying, redeeming, or retirement of the obligations or 47262
any obligations refunded thereby, including payment of costs and 47263
expenses relating to letters of credit, lines of credit, 47264
insurance, put agreements, standby purchase agreements, indexing, 47265
marketing, remarketing and administrative arrangements, interest 47266
swap or hedging agreements, and any other credit enhancement, 47267
liquidity, remarketing, renewal, or refunding arrangements, all of 47268
which are authorized by this section, shall issue obligations of 47269
the state under this section in the required amount. The proceeds 47270
of such obligations, except for the portion to be deposited in 47271
special funds, including reserve funds, as may be provided in the 47272
bond proceedings, shall as provided in the bond proceedings be 47273
credited to the infrastructure bank obligations fund of the state 47274
infrastructure bank created by section 5531.09 of the Revised Code 47275
and disbursed as provided in the bond proceedings for such 47276
obligations. The issuing authority may appoint trustees, paying 47277
agents, transfer agents, and authenticating agents, and may retain 47278
the services of financial advisors, accounting experts, and 47279
attorneys, and retain or contract for the services of marketing, 47280
remarketing, indexing, and administrative agents, other 47281
consultants, and independent contractors, including printing 47282
services, as are necessary in the issuing authority's judgment to 47283
carry out this section. The costs of such services are payable 47284
from funds of the state infrastructure bank. 47285

(C) The holders or owners of such obligations shall have no 47286
right to have moneys raised by taxation by the state of Ohio 47287
obligated or pledged, and moneys so raised shall not be obligated 47288
or pledged, for the payment of bond service charges. The right of 47289

such holders and owners to the payment of bond service charges is 47290
limited to all or that portion of the pledged receipts and those 47291
special funds pledged thereto pursuant to the bond proceedings for 47292
such obligations in accordance with this section, and each such 47293
obligation shall bear on its face a statement to that effect. 47294
Moneys received as repayment of loans made by the state 47295
infrastructure bank pursuant to section 5531.09 of the Revised 47296
Code shall not be considered moneys raised by taxation by the 47297
state of Ohio regardless of the source of the moneys. 47298

(D) Obligations shall be authorized by order of the issuing 47299
authority and the bond proceedings shall provide for the purpose 47300
thereof and the principal amount or amounts, and shall provide for 47301
or authorize the manner or agency for determining the principal 47302
maturity or maturities, not exceeding twenty-five years from the 47303
date of issuance, the interest rate or rates or the maximum 47304
interest rate, the date of the obligations and the dates of 47305
payment of interest thereon, their denomination, and the 47306
establishment within or without the state of a place or places of 47307
payment of bond service charges. Sections 9.98 to 9.983 of the 47308
Revised Code are applicable to obligations issued under this 47309
section. The purpose of such obligations may be stated in the bond 47310
proceedings in terms describing the general purpose or purposes to 47311
be served. The bond proceedings also shall provide, subject to the 47312
provisions of any other applicable bond proceedings, for the 47313
pledge of all, or such part as the issuing authority may 47314
determine, of the pledged receipts and the applicable special fund 47315
or funds to the payment of bond service charges, which pledges may 47316
be made either prior or subordinate to other expenses, claims, or 47317
payments, and may be made to secure the obligations on a parity 47318
with obligations theretofore or thereafter issued, if and to the 47319
extent provided in the bond proceedings. The pledged receipts and 47320
special funds so pledged and thereafter received by the state 47321
immediately are subject to the lien of such pledge without any 47322

physical delivery thereof or further act, and the lien of any such 47323
pledges is valid and binding against all parties having claims of 47324
any kind against the state or any governmental agency of the 47325
state, irrespective of whether such parties have notice thereof, 47326
and shall create a perfected security interest for all purposes of 47327
Chapter 1309. of the Revised Code, without the necessity for 47328
separation or delivery of funds or for the filing or recording of 47329
the bond proceedings by which such pledge is created or any 47330
certificate, statement, or other document with respect thereto; 47331
and the pledge of such pledged receipts and special funds is 47332
effective and the money therefrom and thereof may be applied to 47333
the purposes for which pledged without necessity for any act of 47334
appropriation. Every pledge, and every covenant and agreement made 47335
with respect thereto, made in the bond proceedings may therein be 47336
extended to the benefit of the owners and holders of obligations 47337
authorized by this section, and to any trustee therefor, for the 47338
further security of the payment of the bond service charges. 47339

47340

(E) The bond proceedings may contain additional provisions as 47341
to: 47342

(1) The redemption of obligations prior to maturity at the 47343
option of the issuing authority at such price or prices and under 47344
such terms and conditions as are provided in the bond proceedings; 47345

(2) Other terms of the obligations; 47346

(3) Limitations on the issuance of additional obligations; 47347

(4) The terms of any trust agreement or indenture securing 47348
the obligations or under which the same may be issued; 47349

(5) The deposit, investment, and application of special 47350
funds, and the safeguarding of moneys on hand or on deposit, 47351
without regard to Chapter 131. or 135. of the Revised Code, but 47352
subject to any special provisions of this section with respect to 47353

particular funds or moneys, provided that any bank or trust 47354
company which acts as depository of any moneys in the special 47355
funds may furnish such indemnifying bonds or may pledge such 47356
securities as required by the issuing authority; 47357

(6) Any or every provision of the bond proceedings being 47358
binding upon such officer, board, commission, authority, agency, 47359
department, or other person or body as may from time to time have 47360
the authority under law to take such actions as may be necessary 47361
to perform all or any part of the duty required by such provision; 47362

(7) Any provision that may be made in a trust agreement or 47363
indenture; 47364

(8) Any other or additional agreements with the holders of 47365
the obligations, or the trustee therefor, relating to the 47366
obligations or the security therefor, including the assignment of 47367
mortgages or other security relating to financial assistance for 47368
qualified projects under section 5531.09 of the Revised Code. 47369

(F) The obligations may have the great seal of the state or a 47370
facsimile thereof affixed thereto or printed thereon. The 47371
obligations and any coupons pertaining to obligations shall be 47372
signed or bear the facsimile signature of the issuing authority. 47373
Any obligations or coupons may be executed by the person who, on 47374
the date of execution, is the proper issuing authority although on 47375
the date of such bonds or coupons such person was not the issuing 47376
authority. In case the issuing authority whose signature or a 47377
facsimile of whose signature appears on any such obligation or 47378
coupon ceases to be the issuing authority before delivery thereof, 47379
such signature or facsimile nevertheless is valid and sufficient 47380
for all purposes as if the former issuing authority had remained 47381
the issuing authority until such delivery; and in case the seal to 47382
be affixed to obligations has been changed after a facsimile of 47383
the seal has been imprinted on such obligations, such facsimile 47384
seal shall continue to be sufficient as to such obligations and 47385

obligations issued in substitution or exchange therefor. 47386

(G) All obligations are negotiable instruments and securities 47387
under Chapter 1308. of the Revised Code, subject to the provisions 47388
of the bond proceedings as to registration. The obligations may be 47389
issued in coupon or in registered form, or both, as the issuing 47390
authority determines. Provision may be made for the registration 47391
of any obligations with coupons attached thereto as to principal 47392
alone or as to both principal and interest, their exchange for 47393
obligations so registered, and for the conversion or reconversion 47394
into obligations with coupons attached thereto of any obligations 47395
registered as to both principal and interest, and for reasonable 47396
charges for such registration, exchange, conversion, and 47397
reconversion. 47398

(H) Obligations may be sold at public sale or at private 47399
sale, as determined in the bond proceedings. 47400

(I) Pending preparation of definitive obligations, the 47401
issuing authority may issue interim receipts or certificates which 47402
shall be exchanged for such definitive obligations. 47403

(J) In the discretion of the issuing authority, obligations 47404
may be secured additionally by a trust agreement or indenture 47405
between the issuing authority and a corporate trustee which may be 47406
any trust company or bank having ~~its principal~~ a place of business 47407
within the state. Any such agreement or indenture may contain the 47408
order authorizing the issuance of the obligations, any provisions 47409
that may be contained in any bond proceedings, and other 47410
provisions which are customary or appropriate in an agreement or 47411
indenture of such type, including, but not limited to: 47412

(1) Maintenance of each pledge, trust agreement, indenture, 47413
or other instrument comprising part of the bond proceedings until 47414
the state has fully paid the bond service charges on the 47415
obligations secured thereby, or provision therefor has been made; 47416

(2) In the event of default in any payments required to be 47417
made by the bond proceedings, or any other agreement of the 47418
issuing authority made as a part of the contract under which the 47419
obligations were issued, enforcement of such payments or agreement 47420
by mandamus, the appointment of a receiver, suit in equity, action 47421
at law, or any combination of the foregoing; 47422

(3) The rights and remedies of the holders of obligations and 47423
of the trustee, and provisions for protecting and enforcing them, 47424
including limitations on the rights of individual holders of 47425
obligations; 47426

(4) The replacement of any obligations that become mutilated 47427
or are destroyed, lost, or stolen; 47428

(5) Such other provisions as the trustee and the issuing 47429
authority agree upon, including limitations, conditions, or 47430
qualifications relating to any of the foregoing. 47431

(K) Any holder of obligations or a trustee under the bond 47432
proceedings, except to the extent that the holder's or trustee's 47433
rights are restricted by the bond proceedings, may by any suitable 47434
form of legal proceedings, protect and enforce any rights under 47435
the laws of this state or granted by such bond proceedings. Such 47436
rights include the right to compel the performance of all duties 47437
of the issuing authority and the director of transportation 47438
required by the bond proceedings or sections 5531.09 and 5531.10 47439
of the Revised Code; to enjoin unlawful activities; and in the 47440
event of default with respect to the payment of any bond service 47441
charges on any obligations or in the performance of any covenant 47442
or agreement on the part of the issuing authority or the director 47443
of transportation in the bond proceedings, to apply to a court 47444
having jurisdiction of the cause to appoint a receiver to receive 47445
and administer the pledged receipts and special funds, other than 47446
those in the custody of the treasurer of state, which are pledged 47447
to the payment of the bond service charges on such obligations or 47448

which are the subject of the covenant or agreement, with full 47449
power to pay, and to provide for payment of bond service charges 47450
on, such obligations, and with such powers, subject to the 47451
direction of the court, as are accorded receivers in general 47452
equity cases, excluding any power to pledge additional revenues or 47453
receipts or other income or moneys of the state or local 47454
governmental entities, or agencies thereof, to the payment of such 47455
principal and interest and excluding the power to take possession 47456
of, mortgage, or cause the sale or otherwise dispose of any 47457
project facilities. 47458

Each duty of the issuing authority and the issuing 47459
authority's officers and employees, and of each state or local 47460
governmental agency and its officers, members, or employees, 47461
undertaken pursuant to the bond proceedings or any loan, loan 47462
guarantee, lease, lease-purchase agreement, or other agreement 47463
made under authority of section 5531.09 of the Revised Code, and 47464
in every agreement by or with the issuing authority, is hereby 47465
established as a duty of the issuing authority, and of each such 47466
officer, member, or employee having authority to perform such 47467
duty, specifically enjoined by the law resulting from an office, 47468
trust, or station within the meaning of section 2731.01 of the 47469
Revised Code. 47470

The person who is at the time the issuing authority, or the 47471
issuing authority's officers or employees, are not liable in their 47472
personal capacities on any obligations issued by the issuing 47473
authority or any agreements of or with the issuing authority. 47474

(L) The issuing authority may authorize and issue obligations 47475
for the refunding, including funding and retirement, and advance 47476
refunding with or without payment or redemption prior to maturity, 47477
of any obligations previously issued by the issuing authority or 47478
district obligations. Such refunding obligations may be issued in 47479
amounts sufficient for payment of the principal amount of the 47480

prior obligations or district obligations, any redemption premiums 47481
thereon, principal maturities of any such obligations or district 47482
obligations maturing prior to the redemption of the remaining 47483
obligations or district obligations on a parity therewith, 47484
interest accrued or to accrue to the maturity dates or dates of 47485
redemption of such obligations or district obligations, and any 47486
expenses incurred or to be incurred in connection with such 47487
issuance and such refunding, funding, and retirement. Subject to 47488
the bond proceedings therefor, the portion of proceeds of the sale 47489
of refunding obligations issued under this division to be applied 47490
to bond service charges on the prior obligations or district 47491
obligations shall be credited to an appropriate account held by 47492
the trustee for such prior or new obligations or to the 47493
appropriate account in the bond service fund for such obligations 47494
or district obligations. Obligations authorized under this 47495
division shall be deemed to be issued for those purposes for which 47496
such prior obligations or district obligations were issued and are 47497
subject to the provisions of this section pertaining to other 47498
obligations, except as otherwise provided in this section. The 47499
last maturity of obligations authorized under this division shall 47500
not be later than twenty-five years from the date of issuance of 47501
the original securities issued for the original purpose. 47502

(M) The authority to issue obligations under this section 47503
includes authority to issue obligations in the form of bond 47504
anticipation notes and to renew the same from time to time by the 47505
issuance of new notes. The holders of such notes or interest 47506
coupons pertaining thereto shall have a right to be paid solely 47507
from the pledged receipts and special funds that may be pledged to 47508
the payment of the bonds anticipated, or from the proceeds of such 47509
bonds or renewal notes, or both, as the issuing authority provides 47510
in the order authorizing such notes. Such notes may be 47511
additionally secured by covenants of the issuing authority to the 47512
effect that the issuing authority and the state will do such or 47513

all things necessary for the issuance of such bonds or renewal 47514
notes in the appropriate amount, and apply the proceeds thereof to 47515
the extent necessary, to make full payment of the principal of and 47516
interest on such notes at the time or times contemplated, as 47517
provided in such order. For such purpose, the issuing authority 47518
may issue bonds or renewal notes in such principal amount and upon 47519
such terms as may be necessary to provide funds to pay when 47520
required the principal of and interest on such notes, 47521
notwithstanding any limitations prescribed by or for purposes of 47522
this section. Subject to this division, all provisions for and 47523
references to obligations in this section are applicable to notes 47524
authorized under this division. 47525

The issuing authority in the bond proceedings authorizing the 47526
issuance of bond anticipation notes shall set forth for such bonds 47527
an estimated interest rate and a schedule of principal payments 47528
for such bonds and the annual maturity dates thereof. 47529

(N) Obligations issued under this section are lawful 47530
investments for banks, societies for savings, savings and loan 47531
associations, deposit guarantee associations, trust companies, 47532
trustees, fiduciaries, insurance companies, including domestic for 47533
life and domestic not for life, trustees or other officers having 47534
charge of sinking and bond retirement or other special funds of 47535
political subdivisions and taxing districts of this state, the 47536
commissioners of the sinking fund of the state, the administrator 47537
of workers' compensation, the state teachers retirement system, 47538
the public employees retirement system, the school employees 47539
retirement system, and the Ohio police and fire pension fund, 47540
notwithstanding any other provisions of the Revised Code or rules 47541
adopted pursuant thereto by any agency of the state with respect 47542
to investments by them, and are also acceptable as security for 47543
the deposit of public moneys. 47544

(O) Unless otherwise provided in any applicable bond 47545

proceedings, moneys to the credit of or in the special funds 47546
established by or pursuant to this section may be invested by or 47547
on behalf of the issuing authority only in notes, bonds, or other 47548
obligations of the United States, or of any agency or 47549
instrumentality of the United States, obligations guaranteed as to 47550
principal and interest by the United States, obligations of this 47551
state or any political subdivision of this state, and certificates 47552
of deposit of any national bank located in this state and any 47553
bank, as defined in section 1101.01 of the Revised Code, subject 47554
to inspection by the superintendent of financial institutions. If 47555
the law or the instrument creating a trust pursuant to division 47556
(J) of this section expressly permits investment in direct 47557
obligations of the United States or an agency of the United 47558
States, unless expressly prohibited by the instrument, such moneys 47559
also may be invested in no-front-end-load money market mutual 47560
funds consisting exclusively of obligations of the United States 47561
or an agency of the United States and in repurchase agreements, 47562
including those issued by the fiduciary itself, secured by 47563
obligations of the United States or an agency of the United 47564
States; and in collective investment funds as defined in division 47565
(A) of section 1111.01 of the Revised Code and consisting 47566
exclusively of any such securities. The income from such 47567
investments shall be credited to such funds as the issuing 47568
authority determines, and such investments may be sold at such 47569
times as the issuing authority determines or authorizes. 47570

(P) Provision may be made in the applicable bond proceedings 47571
for the establishment of separate accounts in the bond service 47572
fund and for the application of such accounts only to the 47573
specified bond service charges on obligations pertinent to such 47574
accounts and bond service fund and for other accounts therein 47575
within the general purposes of such fund. Unless otherwise 47576
provided in any applicable bond proceedings, moneys to the credit 47577
of or in the several special funds established pursuant to this 47578

section shall be disbursed on the order of the treasurer of state, 47579
provided that no such order is required for the payment from the 47580
bond service fund when due of bond service charges on obligations. 47581

(Q)(1) The issuing authority may pledge all, or such portion 47582
as the issuing authority determines, of the pledged receipts to 47583
the payment of bond service charges on obligations issued under 47584
this section, and for the establishment and maintenance of any 47585
reserves, as provided in the bond proceedings, and make other 47586
provisions therein with respect to pledged receipts as authorized 47587
by this chapter, which provisions are controlling notwithstanding 47588
any other provisions of law pertaining thereto. 47589

(2) An action taken under division (Q)(2) of this section 47590
does not limit the generality of division (Q)(1) of this section, 47591
and is subject to division (C) of this section and, if and to the 47592
extent otherwise applicable, Section 13 of Article VIII, Ohio 47593
Constitution. The bond proceedings may contain a covenant that, in 47594
the event the pledged receipts primarily pledged and required to 47595
be used for the payment of bond service charges on obligations 47596
issued under this section, and for the establishment and 47597
maintenance of any reserves, as provided in the bond proceedings, 47598
are insufficient to make any such payment in full when due, or to 47599
maintain any such reserve, the director of transportation shall so 47600
notify the governor, and shall determine to what extent, if any, 47601
the payment may be made or moneys may be restored to the reserves 47602
from lawfully available moneys previously appropriated for that 47603
purpose to the department of transportation. The covenant also may 47604
provide that if the payments are not made or the moneys are not 47605
immediately and fully restored to the reserves from such moneys, 47606
the director shall promptly submit to the governor and to the 47607
director of budget and management a written request for either or 47608
both of the following: 47609

(a) That the next biennial budget submitted by the governor 47610

to the general assembly include an amount to be appropriated from 47611
lawfully available moneys to the department for the purpose of and 47612
sufficient for the payment in full of bond service charges 47613
previously due and for the full replenishment of the reserves; 47614

(b) That the general assembly be requested to increase 47615
appropriations from lawfully available moneys for the department 47616
in the current biennium sufficient for the purpose of and for the 47617
payment in full of bond service charges previously due and to come 47618
due in the biennium and for the full replenishment of the 47619
reserves. 47620

The director of transportation shall include with such 47621
requests a recommendation that the payment of the bond service 47622
charges and the replenishment of the reserves be made in the 47623
interest of maximizing the benefits of the state infrastructure 47624
bank. Any such covenant shall not obligate or purport to obligate 47625
the state to pay the bond service charges on such bonds or notes 47626
or to deposit moneys in a reserve established for such payments 47627
other than from moneys that may be lawfully available and 47628
appropriated for that purpose during the then-current biennium. 47629

(R) There is hereby created the state infrastructure bank 47630
revenue bond service fund, which shall be in the custody of the 47631
treasurer of state but shall not be a part of the state treasury. 47632
All moneys received by or on account of the issuing authority or 47633
state agencies and required by the applicable bond proceedings, 47634
consistent with this section, to be deposited, transferred, or 47635
credited to the bond service fund, and all other moneys 47636
transferred or allocated to or received for the purposes of the 47637
fund, shall be deposited and credited to such fund and to any 47638
separate accounts therein, subject to applicable provisions of the 47639
bond proceedings, but without necessity for any act of 47640
appropriation. The state infrastructure bank revenue bond service 47641
fund is a trust fund and is hereby pledged to the payment of bond 47642

service charges to the extent provided in the applicable bond 47643
proceedings, and payment thereof from such fund shall be made or 47644
provided for by the treasurer of state in accordance with such 47645
bond proceedings without necessity for any act of appropriation. 47646

(S) The obligations issued pursuant to this section, the 47647
transfer thereof, and the income therefrom, including any profit 47648
made on the sale thereof, shall at all times be free from taxation 47649
within this state. 47650

Sec. 5533.531. The road known as state route one hundred 47651
eighteen, commencing at the southernmost boundary of the municipal 47652
corporation of St. Henry and extending southward to the 47653
intersection of that state route and state route forty-seven, 47654
shall be known as "Earl Baltes Highway." 47655

The director of transportation may erect suitable markers 47656
along the highway indicating its name. 47657

Sec. 5533.632. The road known as state route number two, 47658
running in an easterly and westerly direction, within the 47659
municipal corporation of Willoughby only, shall be known as the 47660
"Brian Montgomery Memorial Highway." 47661

The director of transportation may erect suitable markers 47662
along the highway indicating its name. 47663

Sec. 5533.91. That part of the road known as state route 47664
number forty-four, located within Lake county and commencing at 47665
the intersection of that state route and state route number two 47666
and extending in a northerly direction and ending at headlands 47667
beach state park, shall be known as the "LCpl Andy Nowacki 47668
Memorial Highway." 47669

The director of transportation may erect suitable markers 47670
along the highway indicating its name. 47671

- Sec. 5537.04.** (A) The Ohio turnpike commission may do any of the following: 47672
47673
- (1) Adopt bylaws for the regulation of its affairs and the conduct of its business; 47674
47675
- (2) Adopt an official seal, which shall not be the great seal of the state and which need not be in compliance with section 5.10 of the Revised Code; 47676
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47678
- (3) Maintain a principal office and suboffices at such places within the state as it designates; 47679
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- (4) Sue and be sued in its own name, plead and be impleaded, provided any actions against the commission shall be brought in the court of common pleas of the county in which the principal office of the commission is located, or in the court of common pleas of the county in which the cause of action arose if that county is located within this state, and all summonses, exceptions, and notices of every kind shall be served on the commission by leaving a copy thereof at its principal office with the secretary-treasurer or executive director of the commission; 47681
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- (5) Construct, maintain, repair, police, and operate the turnpike system, and establish rules for the use of any turnpike project; 47690
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- (6) Issue revenue bonds of the state, payable solely from pledged revenues, as provided in this chapter, for the purpose of paying any part of the cost of constructing any one or more turnpike projects; 47693
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- (7) Fix, and revise from time to time, and charge and collect tolls; 47697
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- (8) Acquire, hold, and dispose of property in the exercise of its powers and the performance of its duties under this chapter; 47699
47700
- (9) Designate the locations and establish, limit, and control 47701

such points of ingress to and egress from each turnpike project as 47702
are necessary or desirable in the judgment of the commission and 47703
of the director of transportation to ensure the proper operation 47704
and maintenance of that project, and prohibit entrance to such a 47705
project from any point not so designated; 47706

(10) Make and enter into all contracts and agreements 47707
necessary or incidental to the performance of its duties and the 47708
execution of its powers under this chapter, including 47709
participation in a multi-jurisdiction electronic toll collection 47710
agreement and collection or remittance of tolls, fees, or other 47711
charges to or from entities or agencies that participate in such 47712
an agreement; 47713

(11) Employ or retain or contract for the services of 47714
consulting engineers, superintendents, managers, and any other 47715
engineers, construction and accounting experts, financial 47716
advisers, trustees, marketing, remarketing, and administrative 47717
agents, attorneys, and other employees, independent contractors, 47718
or agents that are necessary in its judgment and fix their 47719
compensation, provided all such expenses shall be payable solely 47720
from the proceeds of bonds or from revenues of the Ohio turnpike 47721
system; 47722

(12) Receive and accept from any federal agency, subject to 47723
the approval of the governor, and from any other governmental 47724
agency grants for or in aid of the construction, reconstruction, 47725
repair, renovation, maintenance, or operation of any turnpike 47726
project, and receive and accept aid or contributions from any 47727
source or person of money, property, labor, or other things of 47728
value, to be held, used, and applied only for the purposes for 47729
which such grants and contributions are made; 47730

(13) Provide coverage for its employees under Chapters 4123. 47731
and 4141. of the Revised Code; 47732

(14) Fix and revise by rule, from time to time, such permit fees, processing fees, or administrative charges for the prepayment, deferred payment, or nonpayment of tolls and use of electronic tolling equipment or other commission property. 47733
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(B) The commission may do all acts necessary or proper to carry out the powers expressly granted in this chapter. 47737
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Sec. 5537.16. (A) The Ohio turnpike commission may adopt such bylaws and rules as it considers advisable for the control and regulation of traffic on any turnpike project, for the protection and preservation of property under its jurisdiction and control, ~~and~~ for the maintenance and preservation of good order within the property under its control, and for the purpose of establishing owner or operator liability for failure to comply with toll collection rules. The rules of the commission with respect to the speed, axle loads, vehicle loads, and vehicle dimensions of vehicles on turnpike projects, including the issuance of a special permit by the commission to allow the operation on any turnpike project of a motor vehicle transporting two or fewer steel coils, shall apply notwithstanding sections 4511.21 to 4511.24, 4513.34, and Chapter 5577. of the Revised Code. Such bylaws and rules shall be published in a newspaper of general circulation in Franklin county, and in such other manner as the commission prescribes. 47739
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(B) Such rules shall provide that public police officers shall be afforded ready access, while in the performance of their official duty, to all property under the jurisdiction of the commission and without the payment of tolls. 47756
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(C) No person shall violate any such bylaws or rules of the commission. ~~All~~ 47760
47761

(D)(1) All fines collected for the violation of applicable laws of the state and the bylaws and rules of the commission or 47762
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moneys arising from bonds forfeited for such violation shall be 47764
disposed of in accordance with section 5503.04 of the Revised 47765
Code. 47766

(2) All fees or charges assessed by the commission against an 47767
owner or operator of a vehicle as a civil violation for failure to 47768
comply with toll collection rules shall be revenues of the 47769
commission. 47770

Sec. 5537.99. ~~Whoever~~ (A) Except as provided in division (B) 47771
of this section, whoever violates division (C) of section 5537.16 47772
of the Revised Code is guilty of a minor misdemeanor on a first 47773
offense; on each subsequent offense such person is guilty of a 47774
misdemeanor of the fourth degree. 47775

(B) Whoever violates division (C) of section 5537.16 of the 47776
Revised Code when the violation is a civil violation for failure 47777
to comply with toll collection rules is subject to a fee or charge 47778
established by the commission by rule. 47779

Sec. 5703.57. (A) As used in this section, "Ohio business 47780
gateway" has the same meaning as in section 718.051 of the Revised 47781
Code. 47782

(B) There is hereby created the Ohio business gateway 47783
steering committee to direct the continuing development of the 47784
Ohio business gateway and to oversee its operations. The committee 47785
shall provide general oversight regarding operation of the Ohio 47786
business gateway and shall recommend to the ~~department of~~ 47787
~~administrative services~~ office of information technology 47788
enhancements that will improve the Ohio business gateway. The 47789
committee shall consider all banking, technological, 47790
administrative, and other issues associated with the Ohio business 47791
gateway and shall make recommendations regarding the type of 47792
reporting forms or other tax documents to be filed through the 47793

Ohio business gateway.	47794
(C) The committee shall consist of:	47795
(1) The following members, appointed by the governor with the advice and consent of the senate:	47796
(a) Not more than two representatives of the business community;	47798
(b) Not more than three representatives of municipal tax administrators; and	47799
(c) Not more than two tax practitioners.	47800
(2) The following ex officio members:	47801
(a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee;	47802
(b) The secretary of state or the secretary of state's designee;	47803
(c) The treasurer of state or the treasurer of state's designee;	47804
(d) The director of budget and management or the director's designee;	47805
(e) The director of the office of information technology <u>state chief information officer</u> or the director's <u>officer's</u> designee; and	47806
(f) (e) The tax commissioner or the tax commissioner's designee.	47807
An appointed member shall serve until the member resigns or is removed by the governor. Vacancies shall be filled in the same manner as original appointments.	47808
(D) A vacancy on the committee does not impair the right of	47809
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the other members to exercise all the functions of the committee. 47823
The presence of a majority of the members of the committee 47824
constitutes a quorum for the conduct of business of the committee. 47825
The concurrence of at least a majority of the members of the 47826
committee is necessary for any action to be taken by the 47827
committee. On request, each member of the committee shall be 47828
reimbursed for the actual and necessary expenses incurred in the 47829
discharge of the member's duties. 47830

(E) The committee is a part of the department of taxation for 47831
administrative purposes. 47832

(F) Each year, the governor shall select a member of the 47833
committee to serve as chairperson. The chairperson shall appoint 47834
an official or employee of the department of taxation to act as 47835
the committee's secretary. The secretary shall keep minutes of the 47836
committee's meetings and a journal of all meetings, proceedings, 47837
findings, and determinations of the committee. 47838

(G) The committee shall hire professional, technical, and 47839
clerical staff needed to support its activities. 47840

(H) The committee shall meet as often as necessary to perform 47841
its duties. 47842

Sec. 5703.80. There is hereby created in the state treasury 47843
the property tax administration fund. All money to the credit of 47844
the fund shall be used to defray the costs incurred by the 47845
department of taxation in administering the taxation of property 47846
and the equalization of real property valuation. 47847

Each fiscal year between the first and fifteenth days of 47848
July, the tax commissioner shall compute the following amounts for 47849
the property in each taxing district in each county, and certify 47850
to the director of budget and management the sum of those amounts 47851
for all taxing districts in all counties: 47852

(A) For fiscal year 2006, thirty-three hundredths of one per cent of the total amount by which taxes charged against real property on the general tax list of real and public utility property were reduced under section 319.302 of the Revised Code for the preceding tax year;

(B) For fiscal year 2007 and thereafter, thirty-five hundredths of one per cent of the total amount by which taxes charged against real property on the general tax list of real and public utility property were reduced under section 319.302 of the Revised Code for the preceding tax year;

(C) For fiscal year 2006, one-half of one per cent of the total amount of taxes charged and payable against public utility personal property on the general tax list of real and public utility property for the preceding tax year and of the total amount of taxes charged and payable against tangible personal property on the general tax list of personal property of the preceding tax year and for which returns were filed with the tax commissioner under section 5711.13 of the Revised Code;

(D) For fiscal year 2007, fifty-six hundredths of one per cent of the total amount of taxes charged and payable against public utility personal property on the general tax list of real and public utility property for the preceding tax year and of the total amount of taxes charged and payable against tangible personal property on the general tax list of personal property of the preceding tax year and for which returns were filed with the tax commissioner under section 5711.13 of the Revised Code;

(E) For fiscal year 2008 ~~and thereafter~~, six-tenths of one per cent of the total amount of taxes charged and payable against public utility personal property on the general tax list of real and public utility property for the preceding tax year and of the total amount of taxes charged and payable against tangible personal property on the general tax list of personal property of

the preceding tax year and for which returns were filed with the tax commissioner under section 5711.13 of the Revised Code;

(F) For fiscal year 2009 and thereafter, seven hundred twenty-five one-thousandths of one per cent of the total amount of taxes charged and payable against public utility personal property on the general tax list of real and public utility property for the preceding tax year and of the total amount of taxes charged and payable against tangible personal property on the general tax list of personal property of the preceding tax year and for which returns were filed with the tax commissioner under section 5711.13 of the Revised Code.

After receiving the tax commissioner's certification, the director of budget and management shall transfer from the general revenue fund to the property tax administration fund one-fourth of the amount certified on or before each of the following days: the first days of August, November, February, and May.

On or before the thirtieth day of June of the fiscal year, the tax commissioner shall certify to the director of budget and management the sum of the amounts by which the amounts computed for a taxing district under this section exceeded the distributions to the taxing district under division (F) of section 321.24 of the Revised Code, and the director shall transfer that sum from the property tax administration fund to the general revenue fund.

Sec. 5705.01. As used in this chapter:

(A) "Subdivision" means any county; municipal corporation; township; township police district; township fire district; joint fire district; joint ambulance district; joint emergency medical services district; fire and ambulance district; joint recreation district; township waste disposal district; township road district; community college district; technical college district;

detention facility district; a district organized under section 47916
2151.65 of the Revised Code; a combined district organized under 47917
sections 2152.41 and 2151.65 of the Revised Code; a joint-county 47918
alcohol, drug addiction, and mental health service district; a 47919
drainage improvement district created under section 6131.52 of the 47920
Revised Code; a union cemetery district; a county school financing 47921
district; ~~or~~ a city, local, exempted village, cooperative 47922
education, or joint vocational school district; or a student 47923
special services district created under section 3313.82 of the 47924
Revised Code. 47925

(B) "Municipal corporation" means all municipal corporations, 47926
including those that have adopted a charter under Article XVIII, 47927
Ohio Constitution. 47928

(C) "Taxing authority" or "bond issuing authority" means, in 47929
the case of any county, the board of county commissioners; in the 47930
case of a municipal corporation, the council or other legislative 47931
authority of the municipal corporation; in the case of a city, 47932
local, exempted village, cooperative education, or joint 47933
vocational school district, the board of education; in the case of 47934
a community college district, the board of trustees of the 47935
district; in the case of a technical college district, the board 47936
of trustees of the district; in the case of a detention facility 47937
district, a district organized under section 2151.65 of the 47938
Revised Code, or a combined district organized under sections 47939
2152.41 and 2151.65 of the Revised Code, the joint board of county 47940
commissioners of the district; in the case of a township, the 47941
board of township trustees; in the case of a joint fire district, 47942
the board of fire district trustees; in the case of a joint 47943
recreation district, the joint recreation district board of 47944
trustees; in the case of a joint-county alcohol, drug addiction, 47945
and mental health service district, the district's board of 47946
alcohol, drug addiction, and mental health services; in the case 47947

of a joint ambulance district or a fire and ambulance district, 47948
the board of trustees of the district; in the case of a union 47949
cemetery district, the legislative authority of the municipal 47950
corporation and the board of township trustees, acting jointly as 47951
described in section 759.341 of the Revised Code; in the case of a 47952
drainage improvement district, the board of county commissioners 47953
of the county in which the drainage district is located; in the 47954
case of a joint emergency medical services district, the joint 47955
board of county commissioners of all counties in which all or any 47956
part of the district lies; and in the case of a township police 47957
district, a township fire district, a township road district, or a 47958
township waste disposal district, the board of township trustees 47959
of the township in which the district is located. "Taxing 47960
authority" also means the educational service center governing 47961
board that serves as the taxing authority of a county school 47962
financing district as provided in section 3311.50 of the Revised 47963
Code, and the board of directors of a student special services 47964
district created under section 3313.82 of the Revised Code. 47965

(D) "Fiscal officer" in the case of a county, means the 47966
county auditor; in the case of a municipal corporation, the city 47967
auditor or village clerk, or an officer who, by virtue of the 47968
charter, has the duties and functions of the city auditor or 47969
village clerk, except that in the case of a municipal university 47970
the board of directors of which have assumed, in the manner 47971
provided by law, the custody and control of the funds of the 47972
university, the chief accounting officer of the university shall 47973
perform, with respect to the funds, the duties vested in the 47974
fiscal officer of the subdivision by sections 5705.41 and 5705.44 47975
of the Revised Code; in the case of a school district, the 47976
treasurer of the board of education; in the case of a county 47977
school financing district, the treasurer of the educational 47978
service center governing board that serves as the taxing 47979
authority; in the case of a township, the township fiscal officer; 47980

in the case of a joint fire district, the clerk of the board of 47981
fire district trustees; in the case of a joint ambulance district, 47982
the clerk of the board of trustees of the district; in the case of 47983
a joint emergency medical services district, the person appointed 47984
as fiscal officer pursuant to division (D) of section 307.053 of 47985
the Revised Code; in the case of a fire and ambulance district, 47986
the person appointed as fiscal officer pursuant to division (B) of 47987
section 505.375 of the Revised Code; in the case of a joint 47988
recreation district, the person designated pursuant to section 47989
755.15 of the Revised Code; in the case of a union cemetery 47990
district, the clerk of the municipal corporation designated in 47991
section 759.34 of the Revised Code; in the case of a children's 47992
home district, educational service center, general health 47993
district, joint-county alcohol, drug addiction, and mental health 47994
service district, county library district, detention facility 47995
district, district organized under section 2151.65 of the Revised 47996
Code, a combined district organized under sections 2152.41 and 47997
2151.65 of the Revised Code, or a metropolitan park district for 47998
which no treasurer has been appointed pursuant to section 1545.07 47999
of the Revised Code, the county auditor of the county designated 48000
by law to act as the auditor of the district; in the case of a 48001
metropolitan park district which has appointed a treasurer 48002
pursuant to section 1545.07 of the Revised Code, that treasurer; 48003
in the case of a drainage improvement district, the auditor of the 48004
county in which the drainage improvement district is located; in 48005
the case of a student special services district, the fiscal 48006
officer appointed pursuant to section 3313.82 of the Revised Code; 48007
and in all other cases, the officer responsible for keeping the 48008
appropriation accounts and drawing warrants for the expenditure of 48009
the moneys of the district or taxing unit. 48010

(E) "Permanent improvement" or "improvement" means any 48011
property, asset, or improvement with an estimated life or 48012
usefulness of five years or more, including land and interests 48013

therein, and reconstructions, enlargements, and extensions thereof 48014
having an estimated life or usefulness of five years or more. 48015

(F) "Current operating expenses" and "current expenses" mean 48016
the lawful expenditures of a subdivision, except those for 48017
permanent improvements, and except payments for interest, sinking 48018
fund, and retirement of bonds, notes, and certificates of 48019
indebtedness of the subdivision. 48020

(G) "Debt charges" means interest, sinking fund, and 48021
retirement charges on bonds, notes, or certificates of 48022
indebtedness. 48023

(H) "Taxing unit" means any subdivision or other governmental 48024
district having authority to levy taxes on the property in the 48025
district or issue bonds that constitute a charge against the 48026
property of the district, including conservancy districts, 48027
metropolitan park districts, sanitary districts, road districts, 48028
and other districts. 48029

(I) "District authority" means any board of directors, 48030
trustees, commissioners, or other officers controlling a district 48031
institution or activity that derives its income or funds from two 48032
or more subdivisions, such as the educational service center, the 48033
trustees of district children's homes, the district board of 48034
health, a joint-county alcohol, drug addiction, and mental health 48035
service district's board of alcohol, drug addiction, and mental 48036
health services, detention facility districts, a joint recreation 48037
district board of trustees, districts organized under section 48038
2151.65 of the Revised Code, combined districts organized under 48039
sections 2152.41 and 2151.65 of the Revised Code, and other such 48040
boards. 48041

(J) "Tax list" and "tax duplicate" mean the general tax lists 48042
and duplicates prescribed by sections 319.28 and 319.29 of the 48043
Revised Code. 48044

(K) "Property" as applied to a tax levy means taxable
property listed on general tax lists and duplicates. 48045
48046

(L) "School library district" means a school district in 48047
which a free public library has been established that is under the 48048
control and management of a board of library trustees as provided 48049
in section 3375.15 of the Revised Code. 48050

Sec. 5705.214. Not more than three elections during any 48051
calendar year shall include the questions by a school district of 48052
tax levies proposed under any one or any combination of the 48053
following sections: sections 5705.194, 5705.21, 5705.212, 48054
5705.213, 5705.217, ~~and~~ 5705.218, 5748.02, 5748.021, and 5748.08 48055
of the Revised Code. 48056

Sec. 5705.219. (A) If the board of directors of a student 48057
special services district created under section 3313.82 of the 48058
Revised Code desires to levy a tax in excess of the ten-mill 48059
limitation throughout the district for the purpose of funding the 48060
services to be provided by the district to students enrolled in 48061
the school districts of which the district is composed and their 48062
immediate family members, the board shall propose the levy to each 48063
of the boards of education of those school districts. The proposal 48064
shall specify the rate or amount of the tax, the number of years 48065
the tax will be levied or that it will be levied for a continuing 48066
period of time, and that the aggregate rate of the tax shall not 48067
exceed three mills per dollar of taxable value in the student 48068
special services district. 48069

(B)(1) If a majority of the boards of education of the school 48070
districts of which the student special services district is 48071
composed approves the proposal for the tax levy, the board of 48072
directors of the student special services district may adopt a 48073
resolution approved by a majority of the board's full membership 48074

declaring the necessity of levying the proposed tax in excess of 48075
the ten-mill limitation throughout the district for the purpose of 48076
funding the services to be provided by the district to students 48077
enrolled in the school districts of which the district is composed 48078
and their immediate family members. The resolution shall provide 48079
for the question of the tax to be submitted to the electors of the 48080
district at a general, primary, or special election on a day to be 48081
specified in the resolution that is consistent with the 48082
requirements of section 3501.01 of the Revised Code and that 48083
occurs at least seventy-five days after the resolution is 48084
certified to the board of elections. The resolution shall specify 48085
the rate or amount of the tax and the number of years the tax will 48086
be levied or that the tax will be levied for a continuing period 48087
of time. The aggregate rate of tax levied by a student special 48088
services district under this section at any time shall not exceed 48089
three mills per dollar of taxable value in the district. A tax 48090
levied under this section may be renewed, subject to section 48091
5705.25 of the Revised Code, or replaced as provided in section 48092
5705.192 of the Revised Code. 48093

(2) The resolution shall take effect immediately upon 48094
passage, and no publication of the resolution is necessary other 48095
than that provided in the notice of election. The resolution shall 48096
be certified and submitted in the manner provided under section 48097
5705.25 of the Revised Code, and that section governs the 48098
arrangements governing submission of the question and other 48099
matters concerning the election. 48100

Sec. 5705.25. (A) A copy of any resolution adopted as 48101
provided in section 5705.19 or 5705.219 of the Revised Code shall 48102
be certified by the taxing authority to the board of elections of 48103
the proper county not less than seventy-five days before the 48104
general election in any year, and the board shall submit the 48105
proposal to the electors of the subdivision at the succeeding 48106

November election. Except as otherwise provided in this division, 48107
a resolution to renew an existing levy, regardless of the section 48108
of the Revised Code under which the tax was imposed, shall not be 48109
placed on the ballot unless the question is submitted at the 48110
general election held during the last year the tax to be renewed 48111
or replaced may be extended on the real and public utility 48112
property tax list and duplicate, or at any election held in the 48113
ensuing year. The limitation of the foregoing sentence does not 48114
apply to a resolution to renew and increase or to renew part of an 48115
existing levy that was imposed under section 5705.191 of the 48116
Revised Code to supplement the general fund for the purpose of 48117
making appropriations for one or more of the following purposes: 48118
for public assistance, human or social services, relief, welfare, 48119
hospitalization, health, and support of general hospitals. The 48120
limitation of the second preceding sentence also does not apply to 48121
a resolution that proposes to renew two or more existing levies 48122
imposed under section 5705.21 of the Revised Code, in which case 48123
the question shall be submitted on the date of the general or 48124
primary election held during the last year at least one of the 48125
levies to be renewed may be extended on the real and public 48126
utility property tax list and duplicate, or at any election held 48127
during the ensuing year. For purposes of this section, a levy 48128
shall be considered to be an "existing levy" through the year 48129
following the last year it can be placed on that tax list and 48130
duplicate. 48131

The board shall make the necessary arrangements for the 48132
submission of such questions to the electors of such subdivision, 48133
and the election shall be conducted, canvassed, and certified in 48134
the same manner as regular elections in such subdivision for the 48135
election of county officers. Notice of the election shall be 48136
published in a newspaper of general circulation in the subdivision 48137
once a week for two consecutive weeks prior to the election, and, 48138
if the board of elections operates and maintains a web site, the 48139

board of elections shall post notice of the election on its web 48140
site for thirty days prior to the election. The notice shall state 48141
the purpose, the proposed increase in rate expressed in dollars 48142
and cents for each one hundred dollars of valuation as well as in 48143
mills for each one dollar of valuation, the number of years during 48144
which the increase will be in effect, the first month and year in 48145
which the tax will be levied, and the time and place of the 48146
election. 48147

(B) The form of the ballots cast at an election held pursuant 48148
to division (A) of this section shall be as follows: 48149

"An additional tax for the benefit of (name of subdivision or 48150
public library) for the purpose of (purpose stated in 48151
the resolution) at a rate not exceeding mills 48152
for each one dollar of valuation, which amounts to (rate expressed 48153
in dollars and cents) for each one hundred dollars of 48154
valuation, for (life of indebtedness or number of years the 48155
levy is to run). 48156

	For the Tax Levy	
	Against the Tax Levy	"

48157
48158
48159
48160

(C) If the levy is to be in effect for a continuing period of 48161
time, the notice of election and the form of ballot shall so state 48162
instead of setting forth a specified number of years for the levy. 48163

If the tax is to be placed on the current tax list, the form 48164
of the ballot shall be modified by adding, after the statement of 48165
the number of years the levy is to run, the phrase ", commencing 48166
in (first year the tax is to be levied), first due in 48167
calendar year (first calendar year in which the tax 48168
shall be due)." 48169

If the levy submitted is a proposal to renew, increase, or 48170

decrease an existing levy, the form of the ballot specified in 48171
division (B) of this section may be changed by substituting for 48172
the words "An additional" at the beginning of the form, the words 48173
"A renewal of a" in case of a proposal to renew an existing levy 48174
in the same amount; the words "A renewal of mills and an 48175
increase of mills to constitute a" in the case of an 48176
increase; or the words "A renewal of part of an existing levy, 48177
being a reduction of mills, to constitute a" in the case of 48178
a decrease in the proposed levy. 48179

If the levy submitted is a proposal to renew two or more 48180
existing levies imposed under section 5705.21 of the Revised Code, 48181
the form of the ballot specified in division (B) of this section 48182
shall be modified by substituting for the words "an additional 48183
tax" the words "a renewal of(insert the number of levies to 48184
be renewed) existing taxes." 48185

The question covered by such resolution shall be submitted as 48186
a separate proposition but may be printed on the same ballot with 48187
any other proposition submitted at the same election, other than 48188
the election of officers. More than one such question may be 48189
submitted at the same election. 48190

(D) A levy voted in excess of the ten-mill limitation under 48191
this section shall be certified to the tax commissioner. In the 48192
first year of the levy, it shall be extended on the tax lists 48193
after the February settlement succeeding the election. If the 48194
additional tax is to be placed upon the tax list of the current 48195
year, as specified in the resolution providing for its submission, 48196
the result of the election shall be certified immediately after 48197
the canvass by the board of elections to the taxing authority, who 48198
shall make the necessary levy and certify it to the county 48199
auditor, who shall extend it on the tax lists for collection. 48200
After the first year, the tax levy shall be included in the annual 48201
tax budget that is certified to the county budget commission. 48202

Sec. 5705.29. This section does not apply to a subdivision or 48203
taxing unit for which the county budget commission has waived the 48204
requirement to adopt a tax budget pursuant to section 5705.281 of 48205
the Revised Code. The tax budget shall present the following 48206
information in such detail as is prescribed by the auditor of 48207
state: 48208

(A)(1) A statement of the necessary current operating 48209
expenses for the ensuing fiscal year for each department and 48210
division of the subdivision, classified as to personal services 48211
and other expenses, and the fund from which such expenditures are 48212
to be made. Except in the case of a school district, this estimate 48213
may include a contingent expense not designated for any particular 48214
purpose, and not to exceed three per cent of the total amount of 48215
appropriations for current expenses. In the case of a school 48216
district, this estimate may include a contingent expense not 48217
designated for any particular purpose and not to exceed thirteen 48218
per cent of the total amount of appropriations for current 48219
expenses. 48220

(2) A statement of the expenditures for the ensuing fiscal 48221
year necessary for permanent improvements, exclusive of any 48222
expense to be paid from bond issues, classified as to the 48223
improvements contemplated by the subdivision and the fund from 48224
which such expenditures are to be made; 48225

(3) The amounts required for the payment of final judgments; 48226

(4) A statement of expenditures for the ensuing fiscal year 48227
necessary for any purpose for which a special levy is authorized, 48228
and the fund from which such expenditures are to be made; 48229

(5) Comparative statements, so far as possible, in parallel 48230
columns of corresponding items of expenditures for the current 48231
fiscal year and the two preceding fiscal years. 48232

(B)(1) An estimate of receipts from other sources than the 48233
general property tax during the ensuing fiscal year, which shall 48234
include an estimate of unencumbered balances at the end of the 48235
current fiscal year, and the funds to which such estimated 48236
receipts are credited; 48237

(2) The amount each fund requires from the general property 48238
tax, which shall be the difference between the contemplated 48239
expenditure from the fund and the estimated receipts, as provided 48240
in this section. The section of the Revised Code under which the 48241
tax is authorized shall be set forth. 48242

(3) Comparative statements, so far as possible, in parallel 48243
columns of taxes and other revenues for the current fiscal year 48244
and the two preceding fiscal years. 48245

(C)(1) The amount required for debt charges; 48246

(2) The estimated receipts from sources other than the tax 48247
levy for payment of such debt charges, including the proceeds of 48248
refunding bonds to be issued to refund bonds maturing in the next 48249
succeeding fiscal year; 48250

(3) The net amount for which a tax levy shall be made, 48251
classified as to bonds authorized and issued prior to January 1, 48252
1922, and those authorized and issued subsequent to such date, and 48253
as to what portion of the levy will be within and what in excess 48254
of the ten-mill limitation. 48255

(D) An estimate of amounts from taxes authorized to be levied 48256
in excess of the ten-mill limitation on the tax rate, and the fund 48257
to which such amounts will be credited, together with the sections 48258
of the Revised Code under which each such tax is exempted from all 48259
limitations on the tax rate. 48260

(E)(1) A board of education may include in its budget for the 48261
fiscal year in which a levy proposed under section 5705.194, 48262
5705.21, or 5705.213, or the original levy under section 5705.212 48263

of the Revised Code is first extended on the tax list and 48264
duplicate an estimate of expenditures to be known as a voluntary 48265
contingency reserve balance, which shall not be greater than 48266
twenty-five per cent of the total amount of the levy estimated to 48267
be available for appropriation in such year. 48268

(2) A board of education may include in its budget for the 48269
fiscal year following the year in which a levy proposed under 48270
section 5705.194, 5705.21, or 5705.213, or the original levy under 48271
section 5705.212 of the Revised Code is first extended on the tax 48272
list and duplicate an estimate of expenditures to be known as a 48273
voluntary contingency reserve balance, which shall not be greater 48274
than twenty per cent of the amount of the levy estimated to be 48275
available for appropriation in such year. 48276

(3) Except as provided in division (E)(4) of this section, 48277
the full amount of any reserve balance the board includes in its 48278
budget shall be retained by the county auditor and county 48279
treasurer out of the first semiannual settlement of taxes until 48280
the beginning of the next succeeding fiscal year, and thereupon, 48281
with the depository interest apportioned thereto, it shall be 48282
turned over to the board of education, to be used for the purposes 48283
of such fiscal year. 48284

(4) A board of education, by a two-thirds vote of all members 48285
of the board, may appropriate any amount withheld as a voluntary 48286
contingency reserve balance during the fiscal year for any lawful 48287
purpose, provided that prior to such appropriation the board of 48288
education has authorized the expenditure of all amounts 48289
appropriated for contingencies under section 5705.40 of the 48290
Revised Code. Upon request by the board of education, the county 48291
auditor shall draw a warrant on the district's account in the 48292
county treasury payable to the district in the amount requested. 48293

(F)(1) A board of education may include a spending reserve in 48294
its budget for fiscal years ending on or before June 30, 2002. The 48295

spending reserve shall consist of an estimate of expenditures not 48296
to exceed the district's spending reserve balance. A district's 48297
spending reserve balance is the amount by which the designated 48298
percentage of the district's estimated personal property taxes to 48299
be settled during the calendar year in which the fiscal year ends 48300
exceeds the estimated amount of personal property taxes to be so 48301
settled and received by the district during that fiscal year. 48302
Moneys from a spending reserve shall be appropriated in accordance 48303
with section 133.301 of the Revised Code. 48304

(2) For the purposes of computing a school district's 48305
spending reserve balance for a fiscal year, the designated 48306
percentage shall be as follows: 48307

Fiscal year ending in:	Designated percentage	
1998	50%	48309
1999	40%	48310
2000	30%	48311
2001	20%	48312
2002	10%	48313

(G) Except as otherwise provided in this division, the county 48314
budget commission shall not reduce the taxing authority of a 48315
subdivision as a result of the creation of a reserve balance 48316
account. Except as otherwise provided in this division, the county 48317
budget commission shall not consider the amount in a reserve 48318
balance account of a township, county, or municipal corporation as 48319
an unencumbered balance or as revenue for the purposes of division 48320
(E)(3) or (4) of section 5747.51 ~~or division (E)(3) or (4) of~~ 48321
~~section 5747.62~~ of the Revised Code. The county budget commission 48322
may require documentation of the reasonableness of the reserve 48323
balance held in any reserve balance account. The commission shall 48324
consider any amount in a reserve balance account that it 48325
determines to be unreasonable as unencumbered and as revenue for 48326
the purposes of sections 5747.51 ~~and 5747.62~~ of the Revised Code 48327

and may take such amounts into consideration when determining 48328
whether to reduce the taxing authority of a subdivision. 48329

Sec. 5705.44. When contracts or leases run beyond the 48330
termination of the fiscal year in which they are made, the fiscal 48331
officer of the taxing authority shall make a certification for the 48332
amount required to meet the obligation of such contract or lease 48333
maturing in such fiscal year. The amount of the obligation under 48334
such contract or lease remaining unfulfilled at the end of a 48335
fiscal year, and which will become payable during the next fiscal 48336
year, shall be included in the annual appropriation measure for 48337
the next year as a fixed charge. 48338

The certificate required by section 5705.41 of the Revised 48339
Code as to money in the treasury shall not be required for 48340
contracts on which payments are to be made from the earnings of a 48341
publicly operated water works or public utility, but in the case 48342
of any such contract made without such certification, no payment 48343
shall be made on account thereof, and no claim or demand thereon 48344
shall be recoverable, except out of such earnings. That 48345
certificate also shall not be required if requiring the 48346
certificate makes it impossible for a county board of mental 48347
retardation and developmental disabilities to pay the nonfederal 48348
share of medicaid expenditures that the county board is required 48349
by ~~division (A) of section 5126.057~~ sections 5126.059 and 48350
5126.0510 of the Revised Code to pay. 48351

Sec. 5709.68. (A) On or before the thirty-first day of March 48352
each year, a municipal corporation or county that has entered into 48353
an agreement with an enterprise under section 5709.62, 5709.63, or 48354
5709.632 of the Revised Code shall submit to the director of 48355
development and the board of education of each school district of 48356
which a municipal corporation or township to which such an 48357
agreement applies is a part a report on all of those agreements in 48358

effect during the preceding calendar year. The report shall 48359
include all of the following information: 48360

(1) The designation, assigned by the director of development, 48361
of each urban jobs and enterprise zone within the municipal 48362
corporation or county, the date each zone was certified, the name 48363
of each municipal corporation or township within each zone, and 48364
the total population of each zone according to the most recent 48365
data available; 48366

(2) The number of enterprises that are subject to those 48367
agreements and the number of full-time employees subject to those 48368
agreements within each zone, each according to the most recent 48369
data available and identified and categorized by the appropriate 48370
standard industrial code, and the rate of unemployment in the 48371
municipal corporation or county in which the zone is located for 48372
each year since each zone was certified; 48373

(3) The number of agreements approved and executed during the 48374
calendar year for which the report is submitted, the total number 48375
of agreements in effect on the thirty-first day of December of the 48376
preceding calendar year, the number of agreements that expired 48377
during the calendar year for which the report is submitted, and 48378
the number of agreements scheduled to expire during the calendar 48379
year in which the report is submitted. For each agreement that 48380
expired during the calendar year for which the report is 48381
submitted, the municipal corporation or county shall include the 48382
amount of taxes exempted and the estimated dollar value of any 48383
other incentives provided under the agreement. 48384

(4) The number of agreements receiving compliance reviews by 48385
the tax incentive review council in the municipal corporation or 48386
county during the calendar year for which the report is submitted, 48387
including all of the following information: 48388

(a) The number of agreements the terms of which an enterprise 48389

has complied with, indicating separately for each agreement the 48390
value of the real and personal property exempted pursuant to the 48391
agreement and a comparison of the stipulated and actual schedules 48392
for hiring new employees, for retaining existing employees, for 48393
the amount of payroll of the enterprise attributable to these 48394
employees, and for investing in establishing, expanding, 48395
renovating, or occupying a facility; 48396

(b) The number of agreements the terms of which an enterprise 48397
has failed to comply with, indicating separately for each 48398
agreement the value of the real and personal property exempted 48399
pursuant to the agreement and a comparison of the stipulated and 48400
actual schedules for hiring new employees, for retaining existing 48401
employees, for the amount of payroll of the enterprise 48402
attributable to these employees, and for investing in 48403
establishing, expanding, renovating, or occupying a facility; 48404

(c) The number of agreements about which the tax incentive 48405
review council made recommendations to the legislative authority 48406
of the municipal corporation or county, and the number of those 48407
recommendations that have not been followed; 48408

(d) The number of agreements rescinded during the calendar 48409
year for which the report is submitted. 48410

(5) The number of enterprises that are subject to agreements 48411
that expanded within each zone, including the number of new 48412
employees hired and existing employees retained by each 48413
enterprise, and the number of new enterprises that are subject to 48414
agreements and that established within each zone, including the 48415
number of new employees hired by each enterprise; 48416

(6)(a) The number of enterprises that are subject to 48417
agreements and that closed or reduced employment at any place of 48418
business within the state for the primary purpose of establishing, 48419
expanding, renovating, or occupying a facility, indicating 48420

separately for each enterprise the political subdivision in which 48421
the enterprise closed or reduced employment at a place of business 48422
and the number of full-time employees transferred and retained by 48423
each such place of business; 48424

(b) The number of enterprises that are subject to agreements 48425
and that closed or reduced employment at any place of business 48426
outside the state for the primary purpose of establishing, 48427
expanding, renovating, or occupying a facility. 48428

(7) For each agreement in effect during any part of the 48429
preceding year, the number of employees employed by the enterprise 48430
at the project site immediately prior to formal approval of the 48431
agreement, the number of employees employed by the enterprise at 48432
the project site on the thirty-first day of December of the 48433
preceding year, the payroll of the enterprise for the preceding 48434
year, the amount of taxes paid on tangible personal property 48435
situated at the project site and the amount of those taxes that 48436
were not paid because of the exemption granted under the 48437
agreement, and the amount of taxes paid on real property 48438
constituting the project site and the amount of those taxes that 48439
were not paid because of the exemption granted under the 48440
agreement. If an agreement was entered into under section 5709.632 48441
of the Revised Code with an enterprise described in division 48442
(B)(2) of that section, the report shall include the number of 48443
employee positions at all of the enterprise's locations in this 48444
state. If an agreement is conditioned on a waiver issued under 48445
division (B) of section 5709.633 of the Revised Code on the basis 48446
of the circumstance described in division (B)(3)(a) or (b) of that 48447
section, the report shall include the number of employees at the 48448
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 48449
section, respectively. 48450

(B) Upon the failure of a municipal corporation or county to 48451
comply with division (A) of this section: 48452

(1) Beginning on the first day of April of the calendar year 48453
in which the municipal corporation or county fails to comply with 48454
that division, the municipal corporation or county shall not enter 48455
into any agreements with an enterprise under section 5709.62, 48456
5709.63, or 5709.632 of the Revised Code until the municipal 48457
corporation or county has complied with division (A) of this 48458
section. 48459

(2) On the first day of each ensuing calendar month until the 48460
municipal corporation or county complies with division (A) of this 48461
section, the director of development shall either order the proper 48462
county auditor to deduct from the next succeeding payment of taxes 48463
to the municipal corporation or county under section 321.31, 48464
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 48465
one thousand dollars for each calendar month the municipal 48466
corporation or county fails to comply with that division, or order 48467
the county auditor to deduct that amount from the next succeeding 48468
payment to the municipal corporation or county from the undivided 48469
local government fund under section 5747.51 of the Revised Code. 48470
At the time such a payment is made, the county auditor shall 48471
comply with the director's order by issuing a warrant, drawn on 48472
the fund from which the money would have been paid, to the 48473
director of development, who shall deposit the warrant into the 48474
state enterprise zone program administration fund created in 48475
division (C) of this section. 48476

(C) The director, by rule, shall establish the state's 48477
application fee for applications submitted to a municipal 48478
corporation or county to enter into an agreement under section 48479
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 48480
the amount of the fee, the director shall consider the state's 48481
cost of administering the enterprise zone program, including the 48482
cost of reviewing the reports required under division (A) of this 48483
section. The director may change the amount of the fee at the 48484

times and in the increments the director considers necessary. Any 48485
municipal corporation or county that receives an application shall 48486
collect the application fee and remit the fee for deposit in the 48487
state treasury to the credit of the ~~state enterprise zone program~~ 48488
~~administration fund, which is hereby created. Money credited to~~ 48489
~~the fund shall be used by the department of development to pay the~~ 48490
~~costs of administering the enterprise zone program, including the~~ 48491
~~cost of reviewing the reports required under division (A) of this~~ 48492
section tax incentive programs operating fund created in section 48493
122.174 of the Revised Code. 48494

(D) On or before the thirtieth day of June each year, the 48495
director of development shall certify to the tax commissioner the 48496
information described under division (A)(7) of this section, 48497
derived from the reports submitted to the director under this 48498
section. 48499

On the basis of the information certified under this 48500
division, the tax commissioner annually shall submit a report to 48501
the governor, the speaker of the house of representatives, the 48502
president of the senate, and the chairpersons of the ways and 48503
means committees of the respective houses of the general assembly, 48504
indicating for each enterprise zone the amount of state and local 48505
taxes that were not required to be paid because of exemptions 48506
granted under agreements entered into under section 5709.62, 48507
5709.63, or 5709.632 of the Revised Code and the amount of 48508
additional taxes paid from the payroll of new employees. 48509

Sec. 5711.01. As used in this chapter: 48510

(A)(1) "Taxable property" includes all the kinds of property 48511
mentioned in division (B) of section 5709.01 and section 5709.02 48512
of the Revised Code, and also the amount or value as of the date 48513
of conversion of all taxable property converted into bonds or 48514
other securities not taxed on or after the first day of November 48515

in the year preceding the date of listing, and of all other 48516
taxable property converted into deposits after the date as of 48517
which deposits are required to be listed in such year, except in 48518
the usual course of the taxpayer's business, to the extent the 48519
taxpayer may hold or control such bonds, securities, or deposits 48520
on such day, without deduction for indebtedness created in the 48521
purchase of such bonds or securities from the taxpayer's credits. 48522
"Taxable property" does not include such investments and deposits 48523
as are taxable at the source as provided in sections 5725.01 to 48524
5725.26 of the Revised Code, surrender values under policies of 48525
insurance, or any tangible personal property acquired from a 48526
public utility or interexchange telecommunications company as 48527
defined in section 5727.01 of the Revised Code and leased back to 48528
the public utility or interexchange telecommunications company 48529
pursuant to a sale and leaseback transaction as defined in 48530
division (I) of section 5727.01 of the Revised Code. For tax year 48531
2007 and thereafter, "taxable property" of a telephone, telegraph, 48532
or interexchange telecommunications company, as defined in section 48533
5727.01 of the Revised Code, includes property subject to such a 48534
sale and leaseback transaction. 48535

(2) For tax year 2007 and thereafter, taxable property leased 48536
to a telephone, telegraph, or interexchange telecommunications 48537
company, as defined in section 5727.01 of the Revised Code, other 48538
than pursuant to a sale and leaseback transaction, shall be listed 48539
and assessed by the owner of the property as follows: 48540

(a) If the property leased to such a company is not governed 48541
by division (C) of section 5711.22 of the Revised Code in tax 48542
years 2007 and 2008, it shall be listed and assessed at the 48543
percentage of true value in money required under division ~~(H)~~(G) 48544
of section 5711.22 of the Revised Code. 48545

(b) All property leased to such a company in tax years 2009 48546
and 2010 shall be listed and assessed at the percentage of true 48547

value in money required under division (H) of section 5711.22 of 48548
the Revised Code. 48549

(3) For tax years 2009 and 2010, the lessor of property 48550
subject to division (A)(2) of this section shall have the true 48551
value of the property the lessor leases to a telephone, telegraph, 48552
or interexchange telecommunications company determined under 48553
divisions (A)(5) and (E) of section 5727.06 of the Revised Code. 48554

(B) "Taxpayer" means any owner of taxable property, including 48555
property exempt under division (C) of section 5709.01 of the 48556
Revised Code, and includes every person residing in, or 48557
incorporated or organized by or under the laws of this state, or 48558
doing business in this state, or owning or having a beneficial 48559
interest in taxable personal property in this state and every 48560
fiduciary required by sections 5711.01 to 5711.36 of the Revised 48561
Code, to make a return for or on behalf of another. For tax year 48562
2007 and thereafter, "taxpayer" includes telephone companies, 48563
telegraph companies, and interexchange telecommunications company 48564
as defined in section 5727.01 of the Revised Code. The tax 48565
commissioner may by rule define and designate the taxpayer, as to 48566
any taxable property which would not otherwise be required by this 48567
section to be returned; and any such rule shall be considered 48568
supplementary to the enumeration of kinds of taxpayers following: 48569

(1) Individuals of full age and sound mind residing in this 48570
state; 48571

(2) Partnerships, corporations, associations, and joint-stock 48572
companies, under whatever laws organized or existing, doing 48573
business or having taxable property in this state; and 48574
corporations incorporated by or organized under the laws of this 48575
state, wherever their actual business is conducted; 48576

(3) Fiduciaries appointed by any court in this state or 48577
having title, possession, or custody of taxable personal property 48578

in this state or engaged in business in this state; 48579

(4) Unincorporated mutual funds. 48580

"Taxpayer" excludes all individuals, partnerships, 48581
corporations, associations, and joint-stock companies, their 48582
executors, administrators, and receivers who are defined in Title 48583
LVII of the Revised Code as financial institutions, dealers in 48584
intangibles, domestic insurance companies, or public utilities, 48585
except to the extent they may be required by sections 5711.01 to 48586
5711.36 of the Revised Code, to make returns as fiduciaries, or by 48587
section 5725.26 of the Revised Code, to make returns of property 48588
leased, or held for the purpose of leasing, to others if the owner 48589
or lessor of the property acquired it for the sole purpose of 48590
leasing it to others or to the extent that property is taxable 48591
under section 5725.25 of the Revised Code. 48592

(C) "Return" means the taxpayer's annual report of taxable 48593
property. 48594

(D) "List" means the designation, in a return, of the 48595
description of taxable property, the valuation or amount thereof, 48596
the name of the owner, and the taxing district where assessable. 48597

(E) "Taxing district" means, in the case of property 48598
assessable on the classified tax list and duplicate, a municipal 48599
corporation or the territory in a county outside the limits of all 48600
municipal corporations therein; in the case of property assessable 48601
on the general tax list and duplicate, a municipal corporation or 48602
township, or part thereof, in which the aggregate rate of taxation 48603
is uniform. 48604

(F) "Assessor" includes the tax commissioner and the county 48605
auditor as deputy of the commissioner. 48606

(G) "Fiduciary" includes executors, administrators, parents, 48607
guardians, receivers, assignees, official custodians, factors, 48608
bailees, lessees, agents, attorneys, and employees, but does not 48609

include trustees unless the sense so requires. 48610

(H) "General tax list and duplicate" means the books or 48611
records containing the assessments of property subject to local 48612
tax levies. 48613

(I) "Classified tax list and duplicate" means the books or 48614
records containing the assessments of property not subject to 48615
local tax levies. 48616

(J) "Investment company" means any corporation, the shares of 48617
which are regularly offered for sale to the public, engaged solely 48618
in the business of investing and reinvesting funds in real 48619
property or investments, or holding or selling real property or 48620
investments for the purpose of realizing income or profit which is 48621
distributed to its shareholders. Investment company does not 48622
include any dealer in intangibles, as defined in section 5725.01 48623
of the Revised Code. 48624

(K) "Unincorporated mutual fund" means any partnership, each 48625
partner of which is a corporation, engaged solely in the business 48626
of investing and reinvesting funds in investments, or holding or 48627
selling investments for the purpose of realizing income or profit 48628
which is distributed to its partners and which is subject to 48629
Chapter 1707. of the Revised Code. An unincorporated mutual fund 48630
does not include any dealer in intangibles as defined in section 48631
5725.01 of the Revised Code. 48632

Sec. 5713.011. If the county auditor determines under section 48633
5713.01 of the Revised Code that the construction of a dwelling on 48634
a previously vacant parcel of land is now available for use or 48635
that an additional dwelling is constructed on a parcel of land and 48636
is now available for use, the county auditor, by ordinary mail, 48637
shall send to the owner of the dwelling a notice that the 48638
applicant may apply for a reduction in taxes under division (A)(2) 48639
of section 323.153 of the Revised Code. The notice shall be 48640

substantially in the form of the notice prescribed under division 48641
~~(C)(2)(A)(3)(b)~~ of section 323.131 of the Revised Code. 48642

Sec. 5725.24. (A) As used in this section, "qualifying 48643
dealer" means a dealer in intangibles that is a qualifying dealer 48644
in intangibles as defined in section 5733.45 of the Revised Code 48645
or a member of a qualifying controlled group, as defined in 48646
section 5733.04 of the Revised Code, of which an insurance company 48647
also is a member on the first day of January of the year in and 48648
for which the tax imposed by section 5707.03 of the Revised Code 48649
is required to be paid by the dealer. 48650

(B) The taxes levied by section 5725.18 of the Revised Code 48651
and collected pursuant to this chapter shall be paid into the 48652
state treasury to the credit of the general revenue fund. 48653

(C) The taxes levied by section 5707.03 of the Revised Code 48654
on the value of shares in and capital employed by dealers in 48655
intangibles other than those that are qualifying dealers shall be 48656
for the use of the general revenue fund of the state and the local 48657
government funds of the several counties in which the taxes 48658
originate as provided in this division. 48659

~~On or before the first day of~~ During each month ~~on~~ for which 48660
there is money in the state treasury for disbursement under this 48661
division, the tax commissioner shall provide for payment to the 48662
county treasurer of each county of five-eighths of the amount of 48663
the taxes collected on account of shares in and capital employed 48664
by dealers in intangibles other than those that are qualifying 48665
dealers, representing capital employed in the county. The balance 48666
of the money received and credited on account of taxes assessed on 48667
shares in and capital employed by such dealers in intangibles 48668
shall be credited to the general revenue fund. 48669

Reductions in the amount of taxes collected on account of 48670
credits allowed under section 5725.151 of the Revised Code shall 48671

be applied to reduce the amount credited to the general revenue 48672
fund and shall not be applied to reduce the amount to be credited 48673
to the undivided local government funds of the counties in which 48674
such taxes originate. 48675

For the purpose of this division, such taxes are deemed to 48676
originate in the counties in which such dealers in intangibles 48677
have their offices. 48678

Money received into the treasury of a county pursuant to this 48679
section shall be credited to the undivided local government fund 48680
of the county and shall be distributed by the budget commission as 48681
provided by law. 48682

(D) All of the taxes levied under section 5707.03 of the 48683
Revised Code on the value of the shares in and capital employed by 48684
dealers in intangibles that are qualifying dealers shall be paid 48685
into the state treasury to the credit of the general revenue fund. 48686

Sec. 5727.06. (A) Except as otherwise provided by law, the 48687
following constitutes the taxable property of a public utility, 48688
interexchange telecommunications company, or public utility 48689
property lessor that shall be assessed by the tax commissioner: 48690

(1) For tax years before tax year 2006: 48691

(a) In the case of a railroad company, all real property and 48692
tangible personal property owned or operated by the railroad 48693
company in this state on the thirty-first day of December of the 48694
preceding year; 48695

(b) In the case of a water transportation company, all 48696
tangible personal property, except watercraft, owned or operated 48697
by the water transportation company in this state on the 48698
thirty-first day of December of the preceding year and all 48699
watercraft owned or operated by the water transportation company 48700
in this state during the preceding calendar year; 48701

(c) In the case of all other public utilities and 48702
interexchange telecommunications companies, all tangible personal 48703
property that on the thirty-first day of December of the preceding 48704
year was both located in this state and: 48705

(i) Owned by the public utility or interexchange 48706
telecommunications company; or 48707

(ii) Leased by the public utility or interexchange 48708
telecommunications company under a sale and leaseback transaction. 48709

(2) For tax years 2006, 2007, and 2008: 48710

(a) In the case of a railroad company, all real property used 48711
in railroad operations and tangible personal property owned or 48712
operated by the railroad company in this state on the thirty-first 48713
day of December of the preceding year; 48714

(b) In the case of a water transportation company, all 48715
tangible personal property, except watercraft, owned or operated 48716
by the water transportation company in this state on the 48717
thirty-first day of December of the preceding year and all 48718
watercraft owned or operated by the water transportation company 48719
in this state during the preceding calendar year; 48720

(c) In the case of all other public utilities except 48721
telephone and telegraph companies, all tangible personal property 48722
that on the thirty-first day of December of the preceding year was 48723
both located in this state and either owned by the public utility 48724
or leased by the public utility under a sale and leaseback 48725
transaction. 48726

(3) For tax year 2009 and each tax year thereafter: 48727

(a) In the case of a railroad company, all real property used 48728
in railroad operations and tangible personal property owned or 48729
operated by the railroad company in this state on the thirty-first 48730
day of December of the preceding year; 48731

(b) In the case of a water transportation company, all 48732
tangible personal property, except watercraft, owned or operated 48733
by the water transportation company in this state on the 48734
thirty-first day of December of the preceding year and all 48735
watercraft owned or operated by the water transportation company 48736
in this state during the preceding calendar year; 48737

(c) In the case of all other public utilities except 48738
telephone and telegraph companies, all tangible personal property 48739
that on the thirty-first day of December of the preceding year was 48740
both located in this state and either owned by the public utility 48741
or leased by the public utility under a sale and leaseback 48742
transaction; 48743

(d) In the case of a public utility property lessor, all 48744
personal property that on the thirty-first day of December of the 48745
preceding year was both located in this state and leased, in other 48746
than a sale and leaseback transaction, to a public utility other 48747
than a railroad, telephone, telegraph, or water transportation 48748
company. The assessment rate used under section 5727.111 of the 48749
Revised Code shall be based on the assessment rate that would 48750
apply if the public utility owned the property. 48751

(4) For tax years 2005 and 2006, in the case of telephone, 48752
telegraph, or interexchange telecommunications companies, all 48753
tangible personal property that on the thirty-first day of 48754
December of the preceding year was both located in this state and 48755
either owned by the telephone, telegraph, or interexchange 48756
telecommunications company or leased by the telephone, telegraph, 48757
or interexchange telecommunications company under a sale and 48758
leaseback transaction. 48759

(5)(a) For tax year 2007 and thereafter, in the case of 48760
telephone, telegraph, or interexchange telecommunications 48761
companies, all tangible personal property shall be listed and 48762
assessed for taxation under Chapter 5711. of the Revised Code, but 48763

the tangible personal property shall be valued in accordance with 48764
this chapter using the composite annual allowances and other 48765
valuation procedures prescribed under section 5727.11 of the 48766
Revised Code by the tax commissioner for such property for tax 48767
year 2006, notwithstanding any section of Chapter 5711. of the 48768
Revised Code to the contrary. 48769

(b) A telephone, telegraph, or interexchange 48770
telecommunications company subject to division (A)(5)(a) of this 48771
section shall file a combined return with the tax commissioner in 48772
accordance with section 5711.13 of the Revised Code even if the 48773
company has tangible personal property in only one county. Such a 48774
company also is subject to the issuance of a preliminary 48775
assessment certificate by the tax commissioner under section 48776
5711.25 of the Revised Code. Such a company is not required to 48777
file a county supplemental return under section 5711.131 of the 48778
Revised Code. 48779

(B) This division applies to tax years before tax year 2007. 48780

In the case of an interexchange telecommunications company, 48781
all taxable property shall be subject to the provisions of this 48782
chapter and shall be valued by the commissioner in accordance with 48783
division (A) of section 5727.11 of the Revised Code. A person 48784
described by this division shall file the report required by 48785
section 5727.08 of the Revised Code. Persons described in this 48786
division shall not be considered taxpayers, as defined in division 48787
(B) of section 5711.01 of the Revised Code, and shall not be 48788
required to file a return and list their taxable property under 48789
any provision of Chapter 5711. of the Revised Code. 48790

(C) The lien of the state for taxes levied each year on the 48791
real and personal property of public utilities and interexchange 48792
telecommunications companies and on the personal property of 48793
public utility property lessors shall attach thereto on the 48794
thirty-first day of December of the preceding year. 48795

(D) Property that is required by division (A)(3)(b) of this section to be assessed by the tax commissioner under this chapter shall not be listed by the owner of the property under Chapter 5711. of the Revised Code.

(E) The ten-thousand-dollar exemption provided for in division (C)(3) of section 5709.01 of the Revised Code does not apply to any personal property that is valued under this chapter.

(F) The tax commissioner may adopt rules governing the listing of the taxable property of public utilities and interexchange telecommunications companies and the determination of true value.

Sec. 5727.45. ~~Four and two tenths~~ One hundred per cent of all excise taxes and penalties collected under sections 5727.01 to 5727.62 of the Revised Code shall be credited to ~~the local government fund for distribution in accordance with section 5747.50 of the Revised Code, six tenths of one per cent shall be credited to the local government revenue assistance fund for distribution in accordance with section 5747.61 of the Revised Code, and ninety five and two tenths per cent shall be credited to~~ the general revenue fund.

Sec. 5727.81. (A) For the purpose of raising revenue for public education and state and local government operations, an excise tax is hereby levied and imposed on an electric distribution company for all electricity distributed by such company ~~beginning with the measurement period that includes May 1, 2001,~~ at the following rates per kilowatt hour of electricity distributed in a thirty-day period by the company through a meter of an end user in this state:

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	

For the first 2,000	\$.00465	48826
For the next 2,001 to 15,000	\$.00419	48827
For 15,001 and above	\$.00363	48828

If no meter is used to measure the kilowatt hours of electricity distributed by the company, the rates shall apply to the estimated kilowatt hours of electricity distributed to an unmetered location in this state.

The electric distribution company shall base the monthly tax on the kilowatt hours of electricity distributed to an end user through the meter of the end user that is not measured for a thirty-day period by dividing the days in the measurement period into the total kilowatt hours measured during the measurement period to obtain a daily average usage. The tax shall be determined by obtaining the sum of divisions (A)(1), (2), and (3) of this section and multiplying that amount by the number of days in the measurement period:

(1) Multiplying \$0.00465 per kilowatt hour for the first sixty-seven kilowatt hours distributed using a daily average;

(2) Multiplying \$0.00419 for the next sixty-eight to five hundred kilowatt hours distributed using a daily average;

(3) Multiplying \$0.00363 for the remaining kilowatt hours distributed using a daily average.

~~Until January 1, 2003, except as provided in division (C) of this section, the electric distribution company shall pay the tax to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, except~~ Except as provided in division (C) of this section, the electric distribution company shall pay the tax to the tax commissioner in accordance with section 5727.82 of the Revised Code, unless required to remit each tax payment by electronic funds transfer to the treasurer of state in accordance with section 5727.83 of the

Revised Code. 48857

Only the distribution of electricity through a meter of an 48858
end user in this state shall be used by the electric distribution 48859
company to compute the amount or estimated amount of tax due. In 48860
the event a meter is not actually read for a measurement period, 48861
the estimated kilowatt hours distributed by an electric 48862
distribution company to bill for its distribution charges shall be 48863
used. 48864

(B) Except as provided in division (C) of this section, each 48865
electric distribution company shall pay the tax imposed by this 48866
section in all of the following circumstances: 48867

(1) The electricity is distributed by the company through a 48868
meter of an end user in this state; 48869

(2) The company is distributing electricity through a meter 48870
located in another state, but the electricity is consumed in this 48871
state in the manner prescribed by the tax commissioner; 48872

(3) The company is distributing electricity in this state 48873
without the use of a meter, but the electricity is consumed in 48874
this state as estimated and in the manner prescribed by the tax 48875
commissioner. 48876

(C)(1) As used in division (C) of this section: 48877

(a) "Total price of electricity" means the aggregate value in 48878
money of anything paid or transferred, or promised to be paid or 48879
transferred, to obtain electricity or electric service, including 48880
but not limited to the value paid or promised to be paid for the 48881
transmission or distribution of electricity and for transition 48882
costs as described in Chapter 4928. of the Revised Code. 48883

(b) "Package" means the provision or the acquisition, at a 48884
combined price, of electricity with other services or products, or 48885
any combination thereof, such as natural gas or other fuels; 48886

energy management products, software, and services; machinery and 48887
equipment acquisition; and financing agreements. 48888

(c) "Single location" means a facility located on contiguous 48889
property separated only by a roadway, railway, or waterway. 48890

(2) Division (C) of this section applies to any commercial or 48891
industrial purchaser's receipt of electricity through a meter of 48892
an end user in this state or through more than one meter at a 48893
single location in this state in a quantity that exceeds 48894
forty-five million kilowatt hours of electricity over the course 48895
of the preceding calendar year, or any commercial or industrial 48896
purchaser that will consume more than forty-five million kilowatt 48897
hours of electricity over the course of the succeeding twelve 48898
months as estimated by the tax commissioner. The tax commissioner 48899
shall make such an estimate upon the written request by an 48900
applicant for registration as a self-assessing purchaser under 48901
this division. Such a purchaser may elect to self-assess the 48902
excise tax imposed by this section at the rate of \$.00075 per 48903
kilowatt hour on the first five hundred four million kilowatt 48904
hours distributed to that meter or location during the 48905
registration year, and ~~four per cent~~ a percentage of the total 48906
price of all electricity distributed to that meter or location 48907
equal to four per cent through June 30, 2008, and three and 48908
one-half per cent for July 1, 2008, and thereafter. A qualified 48909
end user that receives electricity through a meter of an end user 48910
in this state or through more than one meter at a single location 48911
in this state and that consumes, over the course of the previous 48912
calendar year, more than forty-five million kilowatt hours in 48913
other than its qualifying manufacturing process, may elect to 48914
self-assess the tax as allowed by this division with respect to 48915
the electricity used in other than its qualifying manufacturing 48916
process. ~~Until January 1, 2003, payment of the tax shall be made~~ 48917
~~directly to the treasurer of state in accordance with divisions~~ 48918

~~(A)(4) and (5) of section 5727.82 of the Revised Code. Beginning~~ 48919
~~January 1, 2003, payment~~ 48920

Payment of the tax shall be made directly to the tax 48921
commissioner in accordance with divisions (A)(4) and (5) of 48922
section 5727.82 of the Revised Code, or the treasurer of state in 48923
accordance with section 5727.83 of the Revised Code. If the 48924
electric distribution company serving the self-assessing purchaser 48925
is a municipal electric utility and the purchaser is within the 48926
municipal corporation's corporate limits, payment shall be made to 48927
such municipal corporation's general fund and reports shall be 48928
filed in accordance with divisions (A)(4) and (5) of section 48929
5727.82 of the Revised Code, except that "municipal corporation" 48930
shall be substituted for "treasurer of state" and "tax 48931
commissioner." A self-assessing purchaser that pays the excise tax 48932
as provided in this division shall not be required to pay the tax 48933
to the electric distribution company from which its electricity is 48934
distributed. If a self-assessing purchaser's receipt of 48935
electricity is not subject to the tax as measured under this 48936
division, the tax on the receipt of such electricity shall be 48937
measured and paid as provided in division (A) of this section. 48938

(3) In the case of the acquisition of a package, unless the 48939
elements of the package are separately stated isolating the total 48940
price of electricity from the price of the remaining elements of 48941
the package, the tax imposed under this section applies to the 48942
entire price of the package. If the elements of the package are 48943
separately stated, the tax imposed under this section applies to 48944
the total price of the electricity. 48945

(4) Any electric supplier that sells electricity as part of a 48946
package shall separately state to the purchaser the total price of 48947
the electricity and, upon request by the tax commissioner, the 48948
total price of each of the other elements of the package. 48949

(5) The tax commissioner may adopt rules relating to the 48950

computation of the total price of electricity with respect to 48951
self-assessing purchasers, which may include rules to establish 48952
the total price of electricity purchased as part of a package. 48953

(6) An annual application for registration as a 48954
self-assessing purchaser shall be made for each qualifying meter 48955
or location on a form prescribed by the tax commissioner. The 48956
registration year begins on the first day of May and ends on the 48957
following thirtieth day of April. Persons may apply after the 48958
first day of May for the remainder of the registration year. In 48959
the case of an applicant applying on the basis of an estimated 48960
consumption of forty-five million kilowatt hours over the course 48961
of the succeeding twelve months, the applicant shall provide such 48962
information as the tax commissioner considers to be necessary to 48963
estimate such consumption. At the time of making the application 48964
and by the first day of May of each year, ~~excluding May 1, 2000,~~ a 48965
self-assessing purchaser shall pay a fee of five hundred dollars 48966
to the tax commissioner, or to the treasurer of state as provided 48967
in section 5727.83 of the Revised Code, for each qualifying meter 48968
or location. The tax commissioner shall immediately pay to the 48969
treasurer of state all amounts that the tax commissioner receives 48970
under this section. The treasurer of state shall deposit such 48971
amounts into the kilowatt hour excise tax administration fund, 48972
which is hereby created in the state treasury. Money in the fund 48973
shall be used to defray the tax commissioner's cost in 48974
administering the tax owed under section 5727.81 of the Revised 48975
Code by self-assessing purchasers. After the application is 48976
approved by the tax commissioner, the registration shall remain in 48977
effect for the current registration year, or until canceled by the 48978
registrant upon written notification to the commissioner of the 48979
election to pay the tax in accordance with division (A) of this 48980
section, or until canceled by the tax commissioner for not paying 48981
the tax or fee under division (C) of this section or for not 48982
meeting the qualifications in division (C)(2) of this section. The 48983

tax commissioner shall give written notice to the electric 48984
distribution company from which electricity is delivered to a 48985
self-assessing purchaser of the purchaser's self-assessing status, 48986
and the electric distribution company is relieved of the 48987
obligation to pay the tax imposed by division (A) of this section 48988
for electricity distributed to that self-assessing purchaser until 48989
it is notified by the tax commissioner that the self-assessing 48990
purchaser's registration is canceled. Within fifteen days of 48991
notification of the canceled registration, the electric 48992
distribution company shall be responsible for payment of the tax 48993
imposed by division (A) of this section on electricity distributed 48994
to a purchaser that is no longer registered as a self-assessing 48995
purchaser. A self-assessing purchaser with a canceled registration 48996
must file a report and remit the tax imposed by division (A) of 48997
this section on all electricity it receives for any measurement 48998
period prior to the tax being reported and paid by the electric 48999
distribution company. A self-assessing purchaser whose 49000
registration is canceled by the tax commissioner is not eligible 49001
to register as a self-assessing purchaser for two years after the 49002
registration is canceled. 49003

(7) If the tax commissioner cancels the self-assessing 49004
registration of a purchaser registered on the basis of its 49005
estimated consumption because the purchaser does not consume at 49006
least forty-five million kilowatt hours of electricity over the 49007
course of the twelve-month period for which the estimate was made, 49008
the tax commissioner shall assess and collect from the purchaser 49009
the difference between (a) the amount of tax that would have been 49010
payable under division (A) of this section on the electricity 49011
distributed to the purchaser during that period and (b) the amount 49012
of tax paid by the purchaser on such electricity pursuant to 49013
division (C)(2)(a) of this section. The assessment shall be paid 49014
within sixty days after the tax commissioner issues it, regardless 49015
of whether the purchaser files a petition for reassessment under 49016

section 5727.89 of the Revised Code covering that period. If the purchaser does not pay the assessment within the time prescribed, the amount assessed is subject to the additional charge and the interest prescribed by divisions (B) and (C) of section 5727.82 of the Revised Code, and is subject to assessment under section 5727.89 of the Revised Code. If the purchaser is a qualified end user, division (C)(7) of this section applies only to electricity it consumes in other than its qualifying manufacturing process.

(D) The tax imposed by this section does not apply to the distribution of any kilowatt hours of electricity to the federal government, to an end user located at a federal facility that uses electricity for the enrichment of uranium, to a qualified regeneration meter, or to an end user for any day the end user is a qualified end user. The exemption under this division for a qualified end user only applies to the manufacturing location where the qualified end user uses more than three million kilowatt hours per day in a qualifying manufacturing process.

Sec. 5727.84. (A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code:

(1) "School district" means a city, local, or exempted village school district.

(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(3) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised

Code, but excludes school districts and joint vocational school districts. 49048
49049

(4) "State education aid," for a school district, means the 49050
sum of state aid amounts computed for the district under divisions 49051
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 49052
divisions (B), (C), and (D) of section 3317.023; divisions (G), 49053
(L), and (N) of section 3317.024; and sections 3317.029, 49054
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 49055
the Revised Code; and the adjustments required by: division (C) of 49056
section 3310.08; division (C) of section 3314.08; division (D) of 49057
section 3314.13; divisions (E), (K), (L), (M), (N), and (O) of 49058
section 3317.023; division (C) of section 3317.20; and sections 49059
3313.979 and 3313.981 of the Revised Code. However, when 49060
calculating state education aid for a school district for fiscal 49061
years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the 49062
district under Section ~~206.09.21~~ 269.20.80 of ~~Am. Sub. H.B. 66~~ 119 49063
of the ~~126th~~ 127th general assembly, as subsequently amended, 49064
instead of division (D) of section 3317.022 of the Revised Code; 49065
include amounts calculated under Section ~~206.09.39~~ 269.30.80 of 49066
~~that~~ this act, as subsequently amended; and account for 49067
adjustments under division (C)(2) of section 3310.41 of the 49068
Revised Code. 49069

(5) "State education aid," for a joint vocational school 49070
district, means the sum of the state aid amounts computed for the 49071
district under division (N) of section 3317.024 and section 49072
3317.16 of the Revised Code. However, when calculating state 49073
education aid for a joint vocational school district for fiscal 49074
years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the 49075
district under Section ~~206.09.42~~ 269.30.90 of ~~Am. Sub. H.B. 66~~ 119 49076
of the ~~126th~~ 127th general assembly, as subsequently amended. 49077

(6) "State education aid offset" means the amount determined 49078
for each school district or joint vocational school district under 49079

division (A)(1) of section 5727.85 of the Revised Code. 49080

(7) "Recognized valuation" has the same meaning as in section 49081
3317.02 of the Revised Code. 49082

(8) "Electric company tax value loss" means the amount 49083
determined under division (D) of this section. 49084

(9) "Natural gas company tax value loss" means the amount 49085
determined under division (E) of this section. 49086

(10) "Tax value loss" means the sum of the electric company 49087
tax value loss and the natural gas company tax value loss. 49088

(11) "Fixed-rate levy" means any tax levied on property other 49089
than a fixed-sum levy. 49090

(12) "Fixed-rate levy loss" means the amount determined under 49091
division (G) of this section. 49092

(13) "Fixed-sum levy" means a tax levied on property at 49093
whatever rate is required to produce a specified amount of tax 49094
money or levied in excess of the ten-mill limitation to pay debt 49095
charges, and includes school district emergency levies imposed 49096
pursuant to section 5705.194 of the Revised Code. 49097

(14) "Fixed-sum levy loss" means the amount determined under 49098
division (H) of this section. 49099

(15) "Consumer price index" means the consumer price index 49100
(all items, all urban consumers) prepared by the bureau of labor 49101
statistics of the United States department of labor. 49102

(B) The kilowatt-hour tax receipts fund is hereby created in 49103
the state treasury and shall consist of money arising from the tax 49104
imposed by section 5727.81 of the Revised Code. All money in the 49105
kilowatt-hour tax receipts fund shall be credited as follows: 49106

(1) ~~Fifty nine and nine hundred seventy six one thousandths~~ 49107
Sixty-three per cent⁷ shall be credited to the general revenue 49108
fund. 49109

~~(2) Two and six hundred forty six one thousandths per cent shall be credited to the local government fund, for distribution in accordance with section 5747.50 of the Revised Code.~~

~~(3) Three hundred seventy eight one thousandths per cent shall be credited to the local government revenue assistance fund, for distribution in accordance with section 5747.61 of the Revised Code.~~

~~(4)~~ Twenty-five and four-tenths per cent shall be credited to the school district property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.85 of the Revised Code.

~~(5)~~(3) Eleven and six-tenths per cent shall be credited to the local government property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.86 of the Revised Code.

(C) The natural gas tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.811 of the Revised Code. All money in the fund shall be credited as follows:

(1) Sixty-eight and seven-tenths per cent shall be credited to the school district property tax replacement fund for the purpose of making the payments described in section 5727.85 of the Revised Code.

(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.

(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)~~(4) of this section:

(1) The difference obtained by subtracting the amount 49141
described in division (D)(1)(b) from the amount described in 49142
division (D)(1)(a) of this section. 49143

(a) The value of electric company and rural electric company 49144
tangible personal property as assessed by the tax commissioner for 49145
tax year 1998 on a preliminary assessment, or an amended 49146
preliminary assessment if issued prior to March 1, 1999, and as 49147
apportioned to the taxing district for tax year 1998; 49148

(b) The value of electric company and rural electric company 49149
tangible personal property as assessed by the tax commissioner for 49150
tax year 1998 had the property been apportioned to the taxing 49151
district for tax year 2001, and assessed at the rates in effect 49152
for tax year 2001. 49153

(2) The difference obtained by subtracting the amount 49154
described in division (D)(2)(b) from the amount described in 49155
division (D)(2)(a) of this section. 49156

(a) The three-year average for tax years 1996, 1997, and 1998 49157
of the assessed value from nuclear fuel materials and assemblies 49158
assessed against a person under Chapter 5711. of the Revised Code 49159
from the leasing of them to an electric company for those 49160
respective tax years, as reflected in the preliminary assessments; 49161

(b) The three-year average assessed value from nuclear fuel 49162
materials and assemblies assessed under division (D)(2)(a) of this 49163
section for tax years 1996, 1997, and 1998, as reflected in the 49164
preliminary assessments, using an assessment rate of twenty-five 49165
per cent. 49166

(3) In the case of a taxing district having a nuclear power 49167
plant within its territory, any amount, resulting in an electric 49168
company tax value loss, obtained by subtracting the amount 49169
described in division (D)(1) of this section from the difference 49170
obtained by subtracting the amount described in division (D)(3)(b) 49171

of this section from the amount described in division (D)(3)(a) of 49172
this section. 49173

(a) The value of electric company tangible personal property 49174
as assessed by the tax commissioner for tax year 2000 on a 49175
preliminary assessment, or an amended preliminary assessment if 49176
issued prior to March 1, 2001, and as apportioned to the taxing 49177
district for tax year 2000; 49178

(b) The value of electric company tangible personal property 49179
as assessed by the tax commissioner for tax year 2001 on a 49180
preliminary assessment, or an amended preliminary assessment if 49181
issued prior to March 1, 2002, and as apportioned to the taxing 49182
district for tax year 2001. 49183

(4) In the case of a taxing district having a nuclear power 49184
plant within its territory, the difference obtained by subtracting 49185
the amount described in division (D)(4)(b) of this section from 49186
the amount described in division (D)(4)(a) of this section, 49187
provided that such difference is greater than ten per cent of the 49188
amount described in division (D)(4)(a) of this section. 49189

(a) The value of electric company tangible personal property 49190
as assessed by the tax commissioner for tax year 2005 on a 49191
preliminary assessment, or an amended preliminary assessment if 49192
issued prior to March 1, 2006, and as apportioned to the taxing 49193
district for tax year 2005; 49194

(b) The value of electric company tangible personal property 49195
as assessed by the tax commissioner for tax year 2006 on a 49196
preliminary assessment, or an amended preliminary assessment if 49197
issued prior to March 1, 2007, and as apportioned to the taxing 49198
district for tax year 2006. 49199

(E) Not later than January 1, 2002, the tax commissioner 49200
shall determine for each taxing district its natural gas company 49201
tax value loss, which is the sum of the amounts described in 49202

divisions (E)(1) and (2) of this section:	49203
(1) The difference obtained by subtracting the amount	49204
described in division (E)(1)(b) from the amount described in	49205
division (E)(1)(a) of this section.	49206
(a) The value of all natural gas company tangible personal	49207
property, other than property described in division (E)(2) of this	49208
section, as assessed by the tax commissioner for tax year 1999 on	49209
a preliminary assessment, or an amended preliminary assessment if	49210
issued prior to March 1, 2000, and apportioned to the taxing	49211
district for tax year 1999;	49212
(b) The value of all natural gas company tangible personal	49213
property, other than property described in division (E)(2) of this	49214
section, as assessed by the tax commissioner for tax year 1999 had	49215
the property been apportioned to the taxing district for tax year	49216
2001, and assessed at the rates in effect for tax year 2001.	49217
(2) The difference in the value of current gas obtained by	49218
subtracting the amount described in division (E)(2)(b) from the	49219
amount described in division (E)(2)(a) of this section.	49220
(a) The three-year average assessed value of current gas as	49221
assessed by the tax commissioner for tax years 1997, 1998, and	49222
1999 on a preliminary assessment, or an amended preliminary	49223
assessment if issued prior to March 1, 2001, and as apportioned in	49224
the taxing district for those respective years;	49225
(b) The three-year average assessed value from current gas	49226
under division (E)(2)(a) of this section for tax years 1997, 1998,	49227
and 1999, as reflected in the preliminary assessment, using an	49228
assessment rate of twenty-five per cent.	49229
(F) The tax commissioner may request that natural gas	49230
companies, electric companies, and rural electric companies file a	49231
report to help determine the tax value loss under divisions (D)	49232
and (E) of this section. The report shall be filed within thirty	49233

days of the commissioner's request. A company that fails to file 49234
the report or does not timely file the report is subject to the 49235
penalty in section 5727.60 of the Revised Code. 49236

(G) Not later than January 1, 2002, the tax commissioner 49237
shall determine for each school district, joint vocational school 49238
district, and local taxing unit its fixed-rate levy loss, which is 49239
the sum of its electric company tax value loss multiplied by the 49240
tax rate in effect in tax year 1998 for fixed-rate levies and its 49241
natural gas company tax value loss multiplied by the tax rate in 49242
effect in tax year 1999 for fixed-rate levies. 49243

(H) Not later than January 1, 2002, the tax commissioner 49244
shall determine for each school district, joint vocational school 49245
district, and local taxing unit its fixed-sum levy loss, which is 49246
the amount obtained by subtracting the amount described in 49247
division (H)(2) of this section from the amount described in 49248
division (H)(1) of this section: 49249

(1) The sum of the electric company tax value loss multiplied 49250
by the tax rate in effect in tax year 1998, and the natural gas 49251
company tax value loss multiplied by the tax rate in effect in tax 49252
year 1999, for fixed-sum levies for all taxing districts within 49253
each school district, joint vocational school district, and local 49254
taxing unit. For the years 2002 through 2006, this computation 49255
shall include school district emergency levies that existed in 49256
1998 in the case of the electric company tax value loss, and 1999 49257
in the case of the natural gas company tax value loss, and all 49258
other fixed-sum levies that existed in 1998 in the case of the 49259
electric company tax value loss and 1999 in the case of the 49260
natural gas company tax value loss and continue to be charged in 49261
the tax year preceding the distribution year. For the years 2007 49262
through 2016 in the case of school district emergency levies, and 49263
for all years after 2006 in the case of all other fixed-sum 49264
levies, this computation shall exclude all fixed-sum levies that 49265

existed in 1998 in the case of the electric company tax value loss 49266
and 1999 in the case of the natural gas company tax value loss, 49267
but are no longer in effect in the tax year preceding the 49268
distribution year. For the purposes of this section, an emergency 49269
levy that existed in 1998 in the case of the electric company tax 49270
value loss, and 1999 in the case of the natural gas company tax 49271
value loss, continues to exist in a year beginning on or after 49272
January 1, 2007, but before January 1, 2017, if, in that year, the 49273
board of education levies a school district emergency levy for an 49274
annual sum at least equal to the annual sum levied by the board in 49275
tax year 1998 or 1999, respectively, less the amount of the 49276
payment certified under this division for 2002. 49277

(2) The total taxable value in tax year 1999 less the tax 49278
value loss in each school district, joint vocational school 49279
district, and local taxing unit multiplied by one-fourth of one 49280
mill. 49281

If the amount computed under division (H) of this section for 49282
any school district, joint vocational school district, or local 49283
taxing unit is greater than zero, that amount shall equal the 49284
fixed-sum levy loss reimbursed pursuant to division (E) of section 49285
5727.85 of the Revised Code or division (A)(2) of section 5727.86 49286
of the Revised Code, and the one-fourth of one mill that is 49287
subtracted under division (H)(2) of this section shall be 49288
apportioned among all contributing fixed-sum levies in the 49289
proportion of each levy to the sum of all fixed-sum levies within 49290
each school district, joint vocational school district, or local 49291
taxing unit. 49292

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 49293
section, in computing the tax value loss, fixed-rate levy loss, 49294
and fixed-sum levy loss, the tax commissioner shall use the 49295
greater of the 1998 tax rate or the 1999 tax rate in the case of 49296
levy losses associated with the electric company tax value loss, 49297

but the 1999 tax rate shall not include for this purpose any tax 49298
levy approved by the voters after June 30, 1999, and the tax 49299
commissioner shall use the greater of the 1999 or the 2000 tax 49300
rate in the case of levy losses associated with the natural gas 49301
company tax value loss. 49302

(J) Not later than January 1, 2002, the tax commissioner 49303
shall certify to the department of education the tax value loss 49304
determined under divisions (D) and (E) of this section for each 49305
taxing district, the fixed-rate levy loss calculated under 49306
division (G) of this section, and the fixed-sum levy loss 49307
calculated under division (H) of this section. The calculations 49308
under divisions (G) and (H) of this section shall separately 49309
display the levy loss for each levy eligible for reimbursement. 49310

(K) Not later than September 1, 2001, the tax commissioner 49311
shall certify the amount of the fixed-sum levy loss to the county 49312
auditor of each county in which a school district with a fixed-sum 49313
levy loss has territory. 49314

Sec. 5727.85. (A) By the thirty-first day of July of each 49315
year, beginning in 2002 and ending in 2016, the department of 49316
education shall determine the following for each school district 49317
and each joint vocational school district eligible for payment 49318
under division (C) or (D) of this section: 49319

(1) The state education aid offset, which is the difference 49320
obtained by subtracting the amount described in division (A)(1)(b) 49321
of this section from the amount described in division (A)(1)(a) of 49322
this section: 49323

(a) The state education aid computed for the school district 49324
or joint vocational school district for the current fiscal year as 49325
of the thirty-first day of July; 49326

(b) The state education aid that would be computed for the 49327

school district or joint vocational school district for the 49328
current fiscal year as of the thirty-first day of July if the 49329
recognized valuation included the tax value loss for the school 49330
district or joint vocational school district. 49331

(2) The greater of zero or the difference obtained by 49332
subtracting the state education aid offset determined under 49333
division (A)(1) of this section from the fixed-rate levy loss 49334
certified under division (J) of section 5727.84 of the Revised 49335
Code for all taxing districts in each school district and joint 49336
vocational school district. 49337

By the fifth day of August of each such year, the department 49338
of education shall certify the amount so determined under division 49339
(A)(1) of this section to the director of budget and management. 49340

(B) Not later than the thirty-first day of October of the 49341
years 2006 through 2016, the department of education shall 49342
determine all of the following for each school district: 49343

(1) The amount obtained by subtracting the district's state 49344
education aid computed for fiscal year 2002 from the district's 49345
state education aid computed for the current fiscal year; 49346

(2) The inflation-adjusted property tax loss. The 49347
inflation-adjusted property tax loss equals the fixed-rate levy 49348
loss, excluding the tax loss from levies within the ten-mill 49349
limitation to pay debt charges, determined under division (G) of 49350
section 5727.84 of the Revised Code for all taxing districts in 49351
each school district, plus the product obtained by multiplying 49352
that loss by the cumulative percentage increase in the consumer 49353
price index from January 1, 2002, to the thirtieth day of June of 49354
the current year. 49355

(3) The difference obtained by subtracting the amount 49356
computed under division (B)(1) from the amount of the 49357
inflation-adjusted property tax loss. If this difference is zero 49358

or a negative number, no further payments shall be made under 49359
division (C) of this section to the school district from the 49360
school district property tax replacement fund. 49361

(C) The department of education shall pay from the school 49362
district property tax replacement fund to each school district all 49363
of the following: 49364

(1) In February 2002, one-half of the fixed-rate levy loss 49365
certified under division (J) of section 5727.84 of the Revised 49366
Code between the twenty-first and twenty-eighth days of February. 49367

(2) From August 2002 through August 2017, one-half of the 49368
amount calculated for that fiscal year under division (A)(2) of 49369
this section between the twenty-first and twenty-eighth days of 49370
August and of February, provided the difference computed under 49371
division (B)(3) of this section is not less than or equal to zero. 49372

For taxes levied within the ten-mill limitation for debt 49373
purposes in tax year 1998 in the case of electric company tax 49374
value losses, and in tax year 1999 in the case of natural gas 49375
company tax value losses, payments shall be made equal to one 49376
hundred per cent of the loss computed as if the tax were a 49377
fixed-rate levy, but those payments shall extend from fiscal year 49378
2006 through fiscal year 2016. 49379

The department of education shall report to each school 49380
district the apportionment of the payments among the school 49381
district's funds based on the certifications under division (J) of 49382
section 5727.84 of the Revised Code. 49383

(D) Not later than January 1, 2002, for all taxing districts 49384
in each joint vocational school district, the tax commissioner 49385
shall certify to the department of education the fixed-rate levy 49386
loss determined under division (G) of section 5727.84 of the 49387
Revised Code. From February 2002 to August 2016, the department 49388
shall pay from the school district property tax replacement fund 49389

to the joint vocational school district one-half of the amount 49390
calculated for that fiscal year under division (A)(2) of this 49391
section between the twenty-first and twenty-eighth days of August 49392
and of February. 49393

(E)(1) Not later than January 1, 2002, for each fixed-sum 49394
levy levied by each school district or joint vocational school 49395
district and for each year for which a determination is made under 49396
division (H) of section 5727.84 of the Revised Code that a 49397
fixed-sum levy loss is to be reimbursed, the tax commissioner 49398
shall certify to the department of education the fixed-sum levy 49399
loss determined under that division. The certification shall cover 49400
a time period sufficient to include all fixed-sum levies for which 49401
the tax commissioner made such a determination. The department 49402
shall pay from the school district property tax replacement fund 49403
to the school district or joint vocational school district 49404
one-half of the fixed-sum levy loss so certified for each year 49405
between the twenty-first and twenty-eighth days of August and of 49406
February. 49407

(2) Beginning in 2003, by the thirty-first day of January of 49408
each year, the tax commissioner shall review the certification 49409
originally made under division (E)(1) of this section. If the 49410
commissioner determines that a debt levy that had been scheduled 49411
to be reimbursed in the current year has expired, a revised 49412
certification for that and all subsequent years shall be made to 49413
the department of education. 49414

(F) If the balance of the half-mill equalization fund created 49415
under section 3318.18 of the Revised Code is insufficient to make 49416
the full amount of payments required under division (D) of that 49417
section, the department of education, at the end of the third 49418
quarter of the fiscal year, shall certify to the director of 49419
budget and management the amount of the deficiency, and the 49420
director shall transfer an amount equal to the deficiency from the 49421

school district property tax replacement fund to the half-mill equalization fund. 49422
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(G) Beginning in August 2002, and ending in May 2017, the director of budget and management shall transfer from the school district property tax replacement fund to the general revenue fund each of the following: 49424
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(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; 49428
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(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. 49432
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(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. 49436
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(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 49444
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of a deficiency to the extent that it results from the amendment 49453
of section 5727.84 of the Revised Code by Amended Substitute House 49454
Bill No. 95 of the 125th general assembly. 49455

(J) If all of the territory of a school district or joint 49456
vocational school district is merged with an existing district, or 49457
if a part of the territory of a school district or joint 49458
vocational school district is transferred to an existing or new 49459
district, the department of education, in consultation with the 49460
tax commissioner, shall adjust the payments made under this 49461
section as follows: 49462

(1) For the merger of all of the territory of two or more 49463
districts, the fixed-rate levy loss and the fixed-sum levy loss of 49464
the successor district shall be equal to the sum of the fixed-rate 49465
levy losses and the fixed-sum levy losses for each of the 49466
districts involved in the merger. 49467

(2) For the transfer of a part of one district's territory to 49468
an existing district, the amount of the fixed-rate levy loss that 49469
is transferred to the recipient district shall be an amount equal 49470
to the transferring district's total fixed-rate levy loss times a 49471
fraction, the numerator of which is the value of electric company 49472
tangible personal property located in the part of the territory 49473
that was transferred, and the denominator of which is the total 49474
value of electric company tangible personal property located in 49475
the entire district from which the territory was transferred. The 49476
value of electric company tangible personal property under this 49477
division shall be determined for the most recent year for which 49478
data is available. Fixed-sum levy losses for both districts shall 49479
be determined under division (J)(4) of this section. 49480

(3) For the transfer of a part of the territory of one or 49481
more districts to create a new district: 49482

(a) If the new district is created on or after January 1, 49483

2000, but before January 1, 2005, the new district shall be paid 49484
its current fixed-rate levy loss through August ~~2008~~ 2009. From 49485
February ~~2009~~ 2010 to August 2016, the new district shall be paid 49486
the lesser of: (i) the amount calculated under division (C)(2) of 49487
this section or (ii) an amount equal to the new district's 49488
fixed-rate levy loss multiplied by the percentage prescribed by 49489
the following schedule: 49490

YEAR	PERCENTAGE	
2009	75%	49491
2010	70%	49492
2011	70%	49493
2012	60%	49494
2013	50%	49495
2014	40%	49496
2015	24%	49497
2016	11.5%	49498
2017 and thereafter	0%	49499

Fixed-sum levy losses for the districts shall be determined 49501
under division (J)(4) of this section. 49502

(b) If the new district is created on or after January 1, 49503
2005, the new district shall be deemed not to have any fixed-rate 49504
levy loss or, except as provided in division (J)(4) of this 49505
section, fixed-sum levy loss. The district or districts from which 49506
the territory was transferred shall have no reduction in their 49507
fixed-rate levy loss, or, except as provided in division (J)(4) of 49508
this section, their fixed-sum levy loss. 49509

(4) If a recipient district under division (J)(2) of this 49510
section or a new district under division (J)(3)(a) or (b) of this 49511
section takes on debt from one or more of the districts from which 49512
territory was transferred, and any of the districts transferring 49513
the territory had fixed-sum levy losses, the department of 49514
education, in consultation with the tax commissioner, shall make 49515

an equitable division of the fixed-sum levy losses. 49516

(K) There is hereby created the public utility property tax 49517
study committee, effective January 1, 2011. The committee shall 49518
consist of the following seven members: the tax commissioner, 49519
three members of the senate appointed by the president of the 49520
senate, and three members of the house of representatives 49521
appointed by the speaker of the house of representatives. The 49522
appointments shall be made not later than January 31, 2011. The 49523
tax commissioner shall be the chairperson of the committee. 49524

The committee shall study the extent to which each school 49525
district or joint vocational school district has been compensated, 49526
under sections 5727.84 and 5727.85 of the Revised Code as enacted 49527
by Substitute Senate Bill No. 3 of the 123rd general assembly and 49528
any subsequent acts, for the property tax loss caused by the 49529
reduction in the assessment rates for natural gas, electric, and 49530
rural electric company tangible personal property. Not later than 49531
June 30, 2011, the committee shall issue a report of its findings, 49532
including any recommendations for providing additional 49533
compensation for the property tax loss or regarding remedial 49534
legislation, to the president of the senate and the speaker of the 49535
house of representatives, at which time the committee shall cease 49536
to exist. 49537

The department of taxation and department of education shall 49538
provide such information and assistance as is required for the 49539
committee to carry out its duties. 49540

Sec. 5727.87. (A) As used in this section: 49541

(1) "Administrative fees" means the dollar percentages 49542
allowed by the county auditor for services or by the county 49543
treasurer as fees, or paid to the credit of the real estate 49544
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 49545
and division (A) of section 321.26 of the Revised Code. 49546

(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 2002 through 2006, the administrative fee loss shall be computed by multiplying the amounts determined for all taxing districts in the county under divisions (G) and (H) of section 5727.84 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 1999 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 1999 were one hundred fifty million dollars or less;

(b) For purposes of the determination under division (B) of this section in the years 2007 through 2011, the administrative fee loss shall be the lesser of the amount computed under division (A)(2)(a) of this section or the amount determined by subtracting from the dollar amount of administrative fees collected in the county in 1999, the dollar amount of administrative fees collected in the county in the current calendar year.

(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 the thirty-first day of December of 2001 through 2005, the tax commissioner shall certify to each county auditor the tax levy losses calculated under divisions (G) and (H) of section 5727.84 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 2002 through 2011, the county auditor shall determine the

administrative fee loss for the county and apportion that loss 49579
ratably among the school districts, joint vocational school 49580
districts, and local taxing units on the basis of the tax levy 49581
losses certified under this division. 49582

(C) On or before each of the days prescribed for the 49583
settlements under divisions (A) and (C) of section 321.24 of the 49584
Revised Code in the years 2002 through 2011, the county treasurer 49585
shall deduct one-half of the amount apportioned to each school 49586
district, joint vocational school district, and local taxing unit 49587
from the portions of revenue payable to them. 49588

(D) On or before each of the days prescribed for settlements 49589
under divisions (A) and (C) of section 321.24 of the Revised Code 49590
in the years 2002 through 2011, the county auditor shall cause to 49591
be deposited an amount equal to one-half of the amount of the 49592
administrative fee loss in the same funds as if allowed as 49593
administrative fees. 49594

After payment of the administrative fee loss on or before 49595
August 10, 2011, all payments under this section shall cease. 49596

Sec. 5733.12. (A) ~~Four and two tenths per cent of all~~ All 49597
payments received from the taxes imposed under sections 5733.06 49598
and 5733.41 of the Revised Code shall be credited to ~~the local~~ 49599
~~government fund for distribution in accordance with section~~ 49600
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 49601
~~credited to the local government revenue assistance fund for~~ 49602
~~distribution in accordance with section 5747.61 of the Revised~~ 49603
~~Code, and ninety five and two tenths per cent shall be credited to~~ 49604
the general revenue fund. 49605

(B) Except as otherwise provided under divisions (C) and (D) 49606
of this section, an application to refund to the corporation the 49607
amount of taxes imposed under section 5733.06 of the Revised Code 49608
that are overpaid, paid illegally or erroneously, or paid on any 49609

illegal, erroneous, or excessive assessment, with interest thereon 49610
as provided by section 5733.26 of the Revised Code, shall be filed 49611
with the tax commissioner, on the form prescribed by the 49612
commissioner, within three years from the date of the illegal, 49613
erroneous, or excessive payment of the tax, or within any 49614
additional period allowed by division (C)(2) of section 5733.031, 49615
division (D)(2) of section 5733.067, or division (A) of section 49616
5733.11 of the Revised Code. For purposes of division (B) of this 49617
section, any payment that the applicant made before the due date 49618
or extended due date for filing the report to which the payment 49619
relates shall be deemed to have been made on the due date or 49620
extended due date. 49621

On the filing of the refund application, the commissioner 49622
shall determine the amount of refund to which the applicant is 49623
entitled. If the amount is not less than that claimed the 49624
commissioner shall certify the amount to the director of budget 49625
and management and treasurer of state for payment from the tax 49626
refund fund created by section 5703.052 of the Revised Code. If 49627
the amount is less than that claimed, the commissioner shall 49628
proceed in accordance with section 5703.70 of the Revised Code. 49629

(C) "Ninety days" shall be substituted for "three years" in 49630
division (B) of this section if the taxpayer satisfies both of the 49631
following: 49632

(1) The taxpayer has applied for a refund based in whole or 49633
in part upon section 5733.0611 of the Revised Code; 49634

(2) The taxpayer asserts that the imposition or collection of 49635
the tax imposed or charged by section 5733.06 of the Revised Code 49636
or any portion of such tax violates the Constitution of the United 49637
States or the Constitution of this state. 49638

(D)(1) Division (D)(2) of this section applies only if all of 49639
the following conditions are satisfied: 49640

(a) A qualifying pass-through entity pays an amount of the tax imposed by section 5733.41 of the Revised Code; 49641
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(b) The taxpayer is a qualifying investor as to that qualifying pass-through entity; 49643
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(c) The taxpayer did not claim the credit provided for in section 5733.0611 of the Revised Code as to the tax described in division (D)(1)(a) of this section; 49645
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(d) The three-year period described in division (B) of this section has ended as to the taxable year for which the taxpayer otherwise would have claimed that credit. 49648
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(2) A taxpayer shall file an application for refund pursuant to this division within one year after the date the payment described in division (D)(1)(a) of this section is made. An application filed under this division shall only claim refund of overpayments resulting from the taxpayer's failure to claim the credit described in division (D)(1)(c) of this section. Nothing in this division shall be construed to relieve a taxpayer from complying with the provisions of division (I)(14) of section 5733.04 of the Revised Code. 49651
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Sec. 5733.39. (A) As used in this section: 49660

(1) "Compliance facility" means property that is designed, constructed, or installed, and used, at a coal-fired electric generating facility for the primary purpose of complying with acid rain control requirements under Title IV of the "Clean Air Act Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, and that controls or limits emissions of sulfur or nitrogen compounds resulting from the combustion of coal through the removal or reduction of those compounds before, during, or after the combustion of the coal, but before the combustion products are emitted into the atmosphere. "Compliance facility" also includes 49661
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any of the following: 49671

(a) A facility that removes sulfur compounds from coal before 49672
the combustion of the coal and that is located off the premises of 49673
the electric generating facility where the coal processed by the 49674
compliance facility is burned; 49675

(b) Modifications to the electric generating facility where 49676
the compliance facility is constructed or installed that are 49677
necessary to accommodate the construction or installation, and 49678
operation, of the compliance facility; 49679

(c) A byproduct disposal facility, as defined in section 49680
3734.051 of the Revised Code, that exclusively disposes of wastes 49681
produced by the compliance facility and other coal combustion 49682
byproducts produced by the generating unit in or to which the 49683
compliance facility is incorporated or connected regardless of 49684
whether the byproduct disposal facility is located on the same 49685
premises as the compliance facility or generating unit that 49686
produces the wastes disposed of at the facility; 49687

(d) Facilities or equipment that is acquired, constructed, or 49688
installed, and used, at a coal-fired electric generating facility 49689
exclusively for the purpose of handling the byproducts produced by 49690
the compliance facility or other coal combustion byproducts 49691
produced by the generating unit in or to which the compliance 49692
facility is incorporated or connected; 49693

(e) A flue gas desulfurization system that is connected to a 49694
coal-fired electric generating unit; 49695

(f) Facilities or equipment acquired, constructed, or 49696
installed, and used, at a coal-fired electric generating unit 49697
primarily for the purpose of handling the byproducts produced by a 49698
compliance facility or other coal combustion byproducts produced 49699
by the generating unit in or to which the compliance facility is 49700
incorporated or connected. 49701

(2) "Ohio coal" means coal mined from coal deposits in the ground that are located within this state, regardless of the location of the mine's tipple.

(3) "Sale and leaseback transaction" has the same meaning as in section 5727.01 of the Revised Code.

(B) An electric company shall be allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code for Ohio coal used in any of its coal-fired electric generating units after April 30, 2001, but before January 1, ~~2008~~ 2010. Section 5733.057 of the Revised Code shall apply when calculating the credit allowed by this section. The credit shall be claimed at the following rates per ton of Ohio coal burned in a coal-fired electric generating unit during the taxable year ending immediately preceding the tax year: for tax years before tax year 2006, three dollars per ton; and for tax years 2006, 2007, ~~and~~ 2008, and 2009, one dollar per ton. The credit is allowed only if both of the following conditions are met during such taxable year:

(1) The coal-fired electric generating unit is owned and used by the company claiming the credit or leased and used by that company under a sale and leaseback transaction.

(2) A compliance facility is attached to, incorporated in, or used in conjunction with the coal-fired generating unit.

(C) The credit shall be claimed in the order required under section 5733.98 of the Revised Code. The taxpayer may carry forward any credit amount in excess of its tax due after allowing for any other credits that precede the credit allowed under this section in the order required under section 5733.98 of the Revised Code. The excess credit may be carried forward for three years following the tax year for which it is claimed under this section.

(D) The director of environmental protection, upon the request of the tax commissioner, shall certify whether a facility

is a compliance facility. In the case of a compliance facility 49733
owned by an electric company, the public utilities commission 49734
shall certify to the tax commissioner the cost of the facility as 49735
of the date it was placed in service. In the case of a compliance 49736
facility owned by a person other than an electric company, the tax 49737
commissioner shall determine the cost of the facility as of the 49738
date it was placed in service. If the owner of such a facility 49739
fails to furnish the information necessary to make that 49740
determination, no credit shall be allowed. 49741

Sec. 5733.48. (A) As used in this section, "alternative 49742
fuel," "retail dealer," and "retail service station" have the same 49743
meanings as in section 5747.77 of the Revised Code. 49744

(B) There is hereby allowed a nonrefundable credit against 49745
the tax imposed by section 5733.06 of the Revised Code for a 49746
retail dealer that sells alternative fuel. The credit may be 49747
claimed for tax years 2008 and 2009. The credit for tax year 2008 49748
shall equal fifteen cents per gallon of alternative fuel sold and 49749
dispensed through a metered pump at the retail dealer's retail 49750
service station during any part of calendar year 2007 that is 49751
included in the dealer's taxable year ending in 2007. The credit 49752
for tax year 2009 shall equal fifteen cents per gallon of 49753
alternative fuel sold and dispensed through a metered pump at the 49754
retail dealer's retail service station during any part of calendar 49755
year 2007 that is included in the dealer's taxable year ending in 49756
2008, plus thirteen cents per gallon of alternative fuel sold and 49757
dispensed in that manner during any part of calendar year 2008 49758
that is included in that taxable year. The credit shall be 49759
calculated separately for each retail service station owned or 49760
operated by the retail dealer. 49761

(C) The retail dealer shall claim the credit under this 49762
section in the order prescribed in section 5733.98 of the Revised 49763

Code. The credit shall not exceed the amount of tax otherwise due 49764
under section 5733.06 of the Revised Code after deducting any 49765
other credits that precede the credit claimed under this section 49766
in that order. 49767

Sec. 5733.98. (A) To provide a uniform procedure for 49768
calculating the amount of tax imposed by section 5733.06 of the 49769
Revised Code that is due under this chapter, a taxpayer shall 49770
claim any credits to which it is entitled in the following order, 49771
except as otherwise provided in section 5733.058 of the Revised 49772
Code: 49773

(1) For tax year 2005, the credit for taxes paid by a 49774
qualifying pass-through entity allowed under section 5733.0611 of 49775
the Revised Code; 49776

(2) The credit allowed for financial institutions under 49777
section 5733.45 of the Revised Code; 49778

(3) The credit for qualifying affiliated groups under section 49779
5733.068 of the Revised Code; 49780

(4) The subsidiary corporation credit under section 5733.067 49781
of the Revised Code; 49782

(5) The savings and loan assessment credit under section 49783
5733.063 of the Revised Code; 49784

(6) The credit for recycling and litter prevention donations 49785
under section 5733.064 of the Revised Code; 49786

(7) The credit for employers that enter into agreements with 49787
child day-care centers under section 5733.36 of the Revised Code; 49788

(8) The credit for employers that reimburse employee child 49789
care expenses under section 5733.38 of the Revised Code; 49790

(9) The credit for maintaining railroad active grade crossing 49791
warning devices under section 5733.43 of the Revised Code; 49792

(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	49793 49794
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	49795 49796
(12) The credit for purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311 <u>tax years 2008 and 2009 for selling alternative fuel under section 5733.48</u> of the Revised Code;	49797 49798 49799 49800
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	49801 49802
(14) The job training credit under section 5733.42 of the Revised Code;	49803 49804
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	49805 49806
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	49807 49808
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	49809 49810
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	49811 49812
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	49813 49814
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	49815 49816
(21) The export sales credit under section 5733.069 of the Revised Code;	49817 49818
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	49819 49820
(23) The enterprise zone credits under section 5709.65 of the	49821

Revised Code;	49822
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	49823 49824
(25) The credit for small telephone companies under section 5733.57 of the Revised Code;	49825 49826
(26) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	49827 49828
(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;	49829 49830 49831
(28) The research and development credit under section 5733.352 of the Revised Code;	49832 49833
(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;	49834 49835 49836
(30) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	49837 49838
(31) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	49839 49840
(32) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	49841 49842
(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;	49843 49844 49845
(34) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code.	49846 49847 49848
(B) For any credit except the credits enumerated in divisions (A)(30) to (34) of this section, the amount of the credit for a	49849 49850

tax year shall not exceed the tax due after allowing for any other 49851
credit that precedes it in the order required under this section. 49852
Any excess amount of a particular credit may be carried forward if 49853
authorized under the section creating that credit. 49854

Sec. 5739.02. For the purpose of providing revenue with which 49855
to meet the needs of the state, for the use of the general revenue 49856
fund of the state, for the purpose of securing a thorough and 49857
efficient system of common schools throughout the state, for the 49858
purpose of affording revenues, in addition to those from general 49859
property taxes, permitted under constitutional limitations, and 49860
from other sources, for the support of local governmental 49861
functions, and for the purpose of reimbursing the state for the 49862
expense of administering this chapter, an excise tax is hereby 49863
levied on each retail sale made in this state. 49864

(A)(1) The tax shall be collected as provided in section 49865
5739.025 of the Revised Code, provided that on and after July 1, 49866
2003, and on or before June 30, 2005, the rate of tax shall be six 49867
per cent. On and after July 1, 2005, the rate of the tax shall be 49868
five and one-half per cent. The tax applies and is collectible 49869
when the sale is made, regardless of the time when the price is 49870
paid or delivered. 49871

(2) In the case of the lease or rental, with a fixed term of 49872
more than thirty days or an indefinite term with a minimum period 49873
of more than thirty days, of any motor vehicles designed by the 49874
manufacturer to carry a load of not more than one ton, watercraft, 49875
outboard motor, or aircraft, or of any tangible personal property, 49876
other than motor vehicles designed by the manufacturer to carry a 49877
load of more than one ton, to be used by the lessee or renter 49878
primarily for business purposes, the tax shall be collected by the 49879
vendor at the time the lease or rental is consummated and shall be 49880
calculated by the vendor on the basis of the total amount to be 49881

paid by the lessee or renter under the lease agreement. If the 49882
total amount of the consideration for the lease or rental includes 49883
amounts that are not calculated at the time the lease or rental is 49884
executed, the tax shall be calculated and collected by the vendor 49885
at the time such amounts are billed to the lessee or renter. In 49886
the case of an open-end lease or rental, the tax shall be 49887
calculated by the vendor on the basis of the total amount to be 49888
paid during the initial fixed term of the lease or rental, and for 49889
each subsequent renewal period as it comes due. As used in this 49890
division, "motor vehicle" has the same meaning as in section 49891
4501.01 of the Revised Code, and "watercraft" includes an outdrive 49892
unit attached to the watercraft. 49893

A lease with a renewal clause and a termination penalty or 49894
similar provision that applies if the renewal clause is not 49895
exercised is presumed to be a sham transaction. In such a case, 49896
the tax shall be calculated and paid on the basis of the entire 49897
length of the lease period, including any renewal periods, until 49898
the termination penalty or similar provision no longer applies. 49899
The taxpayer shall bear the burden, by a preponderance of the 49900
evidence, that the transaction or series of transactions is not a 49901
sham transaction. 49902

(3) Except as provided in division (A)(2) of this section, in 49903
the case of a sale, the price of which consists in whole or in 49904
part of the lease or rental of tangible personal property, the tax 49905
shall be measured by the installments of that lease or rental. 49906

(4) In the case of a sale of a physical fitness facility 49907
service or recreation and sports club service, the price of which 49908
consists in whole or in part of a membership for the receipt of 49909
the benefit of the service, the tax applicable to the sale shall 49910
be measured by the installments thereof. 49911

(B) The tax does not apply to the following: 49912

(1) Sales to the state or any of its political subdivisions, 49913
or to any other state or its political subdivisions if the laws of 49914
that state exempt from taxation sales made to this state and its 49915
political subdivisions; 49916

(2) Sales of food for human consumption off the premises 49917
where sold; 49918

(3) Sales of food sold to students only in a cafeteria, 49919
dormitory, fraternity, or sorority maintained in a private, 49920
public, or parochial school, college, or university; 49921

(4) Sales of newspapers and of magazine subscriptions and 49922
sales or transfers of magazines distributed as controlled 49923
circulation publications; 49924

(5) The furnishing, preparing, or serving of meals without 49925
charge by an employer to an employee provided the employer records 49926
the meals as part compensation for services performed or work 49927
done; 49928

(6) Sales of motor fuel upon receipt, use, distribution, or 49929
sale of which in this state a tax is imposed by the law of this 49930
state, but this exemption shall not apply to the sale of motor 49931
fuel on which a refund of the tax is allowable under division (A) 49932
of section 5735.14 of the Revised Code; and the tax commissioner 49933
may deduct the amount of tax levied by this section applicable to 49934
the price of motor fuel when granting a refund of motor fuel tax 49935
pursuant to division (A) of section 5735.14 of the Revised Code 49936
and shall cause the amount deducted to be paid into the general 49937
revenue fund of this state; 49938

(7) Sales of natural gas by a natural gas company, of water 49939
by a water-works company, or of steam by a heating company, if in 49940
each case the thing sold is delivered to consumers through pipes 49941
or conduits, and all sales of communications services by a 49942
telegraph company, all terms as defined in section 5727.01 of the 49943

Revised Code, and sales of electricity delivered through wires; 49944

(8) Casual sales by a person, or auctioneer employed directly 49945
by the person to conduct such sales, except as to such sales of 49946
motor vehicles, watercraft or outboard motors required to be 49947
titled under section 1548.06 of the Revised Code, watercraft 49948
documented with the United States coast guard, snowmobiles, and 49949
all-purpose vehicles as defined in section 4519.01 of the Revised 49950
Code; 49951

(9)(a) Sales of services or tangible personal property, other 49952
than motor vehicles, mobile homes, and manufactured homes, by 49953
churches, organizations exempt from taxation under section 49954
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 49955
organizations operated exclusively for charitable purposes as 49956
defined in division (B)(12) of this section, provided that the 49957
number of days on which such tangible personal property or 49958
services, other than items never subject to the tax, are sold does 49959
not exceed six in any calendar year, except as otherwise provided 49960
in division (B)(9)(b) of this section. If the number of days on 49961
which such sales are made exceeds six in any calendar year, the 49962
church or organization shall be considered to be engaged in 49963
business and all subsequent sales by it shall be subject to the 49964
tax. In counting the number of days, all sales by groups within a 49965
church or within an organization shall be considered to be sales 49966
of that church or organization, ~~except that.~~ 49967

(b) The limitation on the number of days on which tax-exempt 49968
sales may be made by a church or organization under division 49969
(B)(9)(a) of this section does not apply to sales made by separate 49970
student clubs and other groups of students of a primary or 49971
secondary school, ~~and sales made by or~~ a parent-teacher 49972
association, booster group, or similar organization that raises 49973
money to support or fund curricular or extracurricular activities 49974
of a primary or secondary school, ~~shall not be considered to be~~ 49975

~~sales of such school, and sales by each such club, group, 49976
association, or organization shall be counted separately for 49977
purposes of the six day limitation. This division does, 49978~~

(c) Divisions (B)(9)(a) and (b) of this section do not apply 49979
to sales by a noncommercial educational radio or television 49980
broadcasting station. 49981

(10) Sales not within the taxing power of this state under 49982
the Constitution of the United States; 49983

(11) Except for transactions that are sales under division 49984
(B)(3)(r) of section 5739.01 of the Revised Code, the 49985
transportation of persons or property, unless the transportation 49986
is by a private investigation and security service; 49987

(12) Sales of tangible personal property or services to 49988
churches, to organizations exempt from taxation under section 49989
501(c)(3) of the Internal Revenue Code of 1986, and to any other 49990
nonprofit organizations operated exclusively for charitable 49991
purposes in this state, no part of the net income of which inures 49992
to the benefit of any private shareholder or individual, and no 49993
substantial part of the activities of which consists of carrying 49994
on propaganda or otherwise attempting to influence legislation; 49995
sales to offices administering one or more homes for the aged or 49996
one or more hospital facilities exempt under section 140.08 of the 49997
Revised Code; and sales to organizations described in division (D) 49998
of section 5709.12 of the Revised Code. 49999

"Charitable purposes" means the relief of poverty; the 50000
improvement of health through the alleviation of illness, disease, 50001
or injury; the operation of an organization exclusively for the 50002
provision of professional, laundry, printing, and purchasing 50003
services to hospitals or charitable institutions; the operation of 50004
a home for the aged, as defined in section 5701.13 of the Revised 50005
Code; the operation of a radio or television broadcasting station 50006

that is licensed by the federal communications commission as a 50007
noncommercial educational radio or television station; the 50008
operation of a nonprofit animal adoption service or a county 50009
humane society; the promotion of education by an institution of 50010
learning that maintains a faculty of qualified instructors, 50011
teaches regular continuous courses of study, and confers a 50012
recognized diploma upon completion of a specific curriculum; the 50013
operation of a parent-teacher association, booster group, or 50014
similar organization primarily engaged in the promotion and 50015
support of the curricular or extracurricular activities of a 50016
primary or secondary school; the operation of a community or area 50017
center in which presentations in music, dramatics, the arts, and 50018
related fields are made in order to foster public interest and 50019
education therein; the production of performances in music, 50020
dramatics, and the arts; or the promotion of education by an 50021
organization engaged in carrying on research in, or the 50022
dissemination of, scientific and technological knowledge and 50023
information primarily for the public. 50024

Nothing in this division shall be deemed to exempt sales to 50025
any organization for use in the operation or carrying on of a 50026
trade or business, or sales to a home for the aged for use in the 50027
operation of independent living facilities as defined in division 50028
(A) of section 5709.12 of the Revised Code. 50029

(13) Building and construction materials and services sold to 50030
construction contractors for incorporation into a structure or 50031
improvement to real property under a construction contract with 50032
this state or a political subdivision of this state, or with the 50033
United States government or any of its agencies; building and 50034
construction materials and services sold to construction 50035
contractors for incorporation into a structure or improvement to 50036
real property that are accepted for ownership by this state or any 50037
of its political subdivisions, or by the United States government 50038

or any of its agencies at the time of completion of the structures 50039
or improvements; building and construction materials sold to 50040
construction contractors for incorporation into a horticulture 50041
structure or livestock structure for a person engaged in the 50042
business of horticulture or producing livestock; building 50043
materials and services sold to a construction contractor for 50044
incorporation into a house of public worship or religious 50045
education, or a building used exclusively for charitable purposes 50046
under a construction contract with an organization whose purpose 50047
is as described in division (B)(12) of this section; building 50048
materials and services sold to a construction contractor for 50049
incorporation into a building under a construction contract with 50050
an organization exempt from taxation under section 501(c)(3) of 50051
the Internal Revenue Code of 1986 when the building is to be used 50052
exclusively for the organization's exempt purposes; building and 50053
construction materials sold for incorporation into the original 50054
construction of a sports facility under section 307.696 of the 50055
Revised Code; and building and construction materials and services 50056
sold to a construction contractor for incorporation into real 50057
property outside this state if such materials and services, when 50058
sold to a construction contractor in the state in which the real 50059
property is located for incorporation into real property in that 50060
state, would be exempt from a tax on sales levied by that state; 50061

(14) Sales of ships or vessels or rail rolling stock used or 50062
to be used principally in interstate or foreign commerce, and 50063
repairs, alterations, fuel, and lubricants for such ships or 50064
vessels or rail rolling stock; 50065

(15) Sales to persons primarily engaged in any of the 50066
activities mentioned in division (B)(42)(a) or (g) of this 50067
section, to persons engaged in making retail sales, or to persons 50068
who purchase for sale from a manufacturer tangible personal 50069
property that was produced by the manufacturer in accordance with 50070

specific designs provided by the purchaser, of packages, including 50071
material, labels, and parts for packages, and of machinery, 50072
equipment, and material for use primarily in packaging tangible 50073
personal property produced for sale, including any machinery, 50074
equipment, and supplies used to make labels or packages, to 50075
prepare packages or products for labeling, or to label packages or 50076
products, by or on the order of the person doing the packaging, or 50077
sold at retail. "Packages" includes bags, baskets, cartons, 50078
crates, boxes, cans, bottles, bindings, wrappings, and other 50079
similar devices and containers, but does not include motor 50080
vehicles or bulk tanks, trailers, or similar devices attached to 50081
motor vehicles. "Packaging" means placing in a package. Division 50082
(B)(15) of this section does not apply to persons engaged in 50083
highway transportation for hire. 50084

(16) Sales of food to persons using food stamp benefits to 50085
purchase the food. As used in this division, "food" has the same 50086
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 50087
2012, as amended, and federal regulations adopted pursuant to that 50088
act. 50089

(17) Sales to persons engaged in farming, agriculture, 50090
horticulture, or floriculture, of tangible personal property for 50091
use or consumption directly in the production by farming, 50092
agriculture, horticulture, or floriculture of other tangible 50093
personal property for use or consumption directly in the 50094
production of tangible personal property for sale by farming, 50095
agriculture, horticulture, or floriculture; or material and parts 50096
for incorporation into any such tangible personal property for use 50097
or consumption in production; and of tangible personal property 50098
for such use or consumption in the conditioning or holding of 50099
products produced by and for such use, consumption, or sale by 50100
persons engaged in farming, agriculture, horticulture, or 50101
floriculture, except where such property is incorporated into real 50102

property;	50103
(18) Sales of drugs for a human being that may be dispensed only pursuant to a prescription; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with medical disease; hospital beds when purchased by hospitals, nursing homes, or other medical facilities; and medical oxygen and medical oxygen-dispensing equipment when purchased by hospitals, nursing homes, or other medical facilities;	50104 50105 50106 50107 50108 50109 50110 50111 50112 50113 50114
(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being.	50115 50116 50117 50118
(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and emergency medical services, for political subdivisions of the state;	50119 50120 50121 50122 50123
(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;	50124 50125 50126 50127 50128 50129
(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,	50130 50131 50132 50133

institutions, or authorities; 50134

(23) Sales of motor vehicles to nonresidents of this state 50135
~~upon the presentation of an affidavit executed in this state by~~ 50136
~~the nonresident purchaser affirming that the purchaser is a~~ 50137
~~nonresident of this state, that possession of the motor vehicle is~~ 50138
~~taken in this state for the sole purpose of immediately removing~~ 50139
~~it from this state, that the motor vehicle will be permanently~~ 50140
~~titled and registered in another state, and that the motor vehicle~~ 50141
~~will not be used in this state under the circumstances described~~ 50142
~~in division (B) of section 5739.029 of the Revised Code;~~ 50143

(24) Sales to persons engaged in the preparation of eggs for 50144
sale of tangible personal property used or consumed directly in 50145
such preparation, including such tangible personal property used 50146
for cleaning, sanitizing, preserving, grading, sorting, and 50147
classifying by size; packages, including material and parts for 50148
packages, and machinery, equipment, and material for use in 50149
packaging eggs for sale; and handling and transportation equipment 50150
and parts therefor, except motor vehicles licensed to operate on 50151
public highways, used in intraplant or interplant transfers or 50152
shipment of eggs in the process of preparation for sale, when the 50153
plant or plants within or between which such transfers or 50154
shipments occur are operated by the same person. "Packages" 50155
includes containers, cases, baskets, flats, fillers, filler flats, 50156
cartons, closure materials, labels, and labeling materials, and 50157
"packaging" means placing therein. 50158

(25)(a) Sales of water to a consumer for residential use, 50159
except the sale of bottled water, distilled water, mineral water, 50160
carbonated water, or ice; 50161

(b) Sales of water by a nonprofit corporation engaged 50162
exclusively in the treatment, distribution, and sale of water to 50163
consumers, if such water is delivered to consumers through pipes 50164
or tubing. 50165

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	50166 50167
(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:	50168 50169 50170 50171
(a) To prepare food for human consumption for sale;	50172
(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;	50173 50174 50175 50176
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	50177 50178
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	50179 50180
(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;	50181 50182 50183 50184
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	50185 50186 50187
(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;	50188 50189 50190
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the	50191 50192 50193 50194 50195

transportation of tangible personal property; 50196

(33) Sales to the state headquarters of any veterans' 50197
organization in this state that is either incorporated and issued 50198
a charter by the congress of the United States or is recognized by 50199
the United States veterans administration, for use by the 50200
headquarters; 50201

(34) Sales to a telecommunications service vendor, mobile 50202
telecommunications service vendor, or satellite broadcasting 50203
service vendor of tangible personal property and services used 50204
directly and primarily in transmitting, receiving, switching, or 50205
recording any interactive, one- or two-way electromagnetic 50206
communications, including voice, image, data, and information, 50207
through the use of any medium, including, but not limited to, 50208
poles, wires, cables, switching equipment, computers, and record 50209
storage devices and media, and component parts for the tangible 50210
personal property. The exemption provided in this division shall 50211
be in lieu of all other exemptions under division (B)(42)(a) of 50212
this section to which the vendor may otherwise be entitled, based 50213
upon the use of the thing purchased in providing the 50214
telecommunications, mobile telecommunications, or satellite 50215
broadcasting service. 50216

(35)(a) Sales where the purpose of the consumer is to use or 50217
consume the things transferred in making retail sales and 50218
consisting of newspaper inserts, catalogues, coupons, flyers, gift 50219
certificates, or other advertising material that prices and 50220
describes tangible personal property offered for retail sale. 50221

(b) Sales to direct marketing vendors of preliminary 50222
materials such as photographs, artwork, and typesetting that will 50223
be used in printing advertising material; of printed matter that 50224
offers free merchandise or chances to win sweepstake prizes and 50225
that is mailed to potential customers with advertising material 50226
described in division (B)(35)(a) of this section; and of equipment 50227

such as telephones, computers, facsimile machines, and similar 50228
tangible personal property primarily used to accept orders for 50229
direct marketing retail sales. 50230

(c) Sales of automatic food vending machines that preserve 50231
food with a shelf life of forty-five days or less by refrigeration 50232
and dispense it to the consumer. 50233

For purposes of division (B)(35) of this section, "direct 50234
marketing" means the method of selling where consumers order 50235
tangible personal property by United States mail, delivery 50236
service, or telecommunication and the vendor delivers or ships the 50237
tangible personal property sold to the consumer from a warehouse, 50238
catalogue distribution center, or similar fulfillment facility by 50239
means of the United States mail, delivery service, or common 50240
carrier. 50241

(36) Sales to a person engaged in the business of 50242
horticulture or producing livestock of materials to be 50243
incorporated into a horticulture structure or livestock structure; 50244

(37) Sales of personal computers, computer monitors, computer 50245
keyboards, modems, and other peripheral computer equipment to an 50246
individual who is licensed or certified to teach in an elementary 50247
or a secondary school in this state for use by that individual in 50248
preparation for teaching elementary or secondary school students; 50249

(38) Sales to a professional racing team of any of the 50250
following: 50251

(a) Motor racing vehicles; 50252

(b) Repair services for motor racing vehicles; 50253

(c) Items of property that are attached to or incorporated in 50254
motor racing vehicles, including engines, chassis, and all other 50255
components of the vehicles, and all spare, replacement, and 50256
rebuilt parts or components of the vehicles; except not including 50257

tires, consumable fluids, paint, and accessories consisting of 50258
instrumentation sensors and related items added to the vehicle to 50259
collect and transmit data by means of telemetry and other forms of 50260
communication. 50261

(39) Sales of used manufactured homes and used mobile homes, 50262
as defined in section 5739.0210 of the Revised Code, made on or 50263
after January 1, 2000; 50264

(40) Sales of tangible personal property and services to a 50265
provider of electricity used or consumed directly and primarily in 50266
generating, transmitting, or distributing electricity for use by 50267
others, including property that is or is to be incorporated into 50268
and will become a part of the consumer's production, transmission, 50269
or distribution system and that retains its classification as 50270
tangible personal property after incorporation; fuel or power used 50271
in the production, transmission, or distribution of electricity; 50272
and tangible personal property and services used in the repair and 50273
maintenance of the production, transmission, or distribution 50274
system, including only those motor vehicles as are specially 50275
designed and equipped for such use. The exemption provided in this 50276
division shall be in lieu of all other exemptions in division 50277
(B)(42)(a) of this section to which a provider of electricity may 50278
otherwise be entitled based on the use of the tangible personal 50279
property or service purchased in generating, transmitting, or 50280
distributing electricity. 50281

(41) Sales to a person providing services under division 50282
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 50283
personal property and services used directly and primarily in 50284
providing taxable services under that section. 50285

(42) Sales where the purpose of the purchaser is to do any of 50286
the following: 50287

(a) To incorporate the thing transferred as a material or a 50288

part into tangible personal property to be produced for sale by 50289
manufacturing, assembling, processing, or refining; or to use or 50290
consume the thing transferred directly in producing tangible 50291
personal property for sale by mining, including, without 50292
limitation, the extraction from the earth of all substances that 50293
are classed geologically as minerals, production of crude oil and 50294
natural gas, farming, agriculture, horticulture, or floriculture, 50295
or directly in the rendition of a public utility service, except 50296
that the sales tax levied by this section shall be collected upon 50297
all meals, drinks, and food for human consumption sold when 50298
transporting persons. Persons engaged in rendering farming, 50299
agricultural, horticultural, or floricultural services, and 50300
services in the exploration for, and production of, crude oil and 50301
natural gas, for others are deemed engaged directly in farming, 50302
agriculture, horticulture, and floriculture, or exploration for, 50303
and production of, crude oil and natural gas. This paragraph does 50304
not exempt from "retail sale" or "sales at retail" the sale of 50305
tangible personal property that is to be incorporated into a 50306
structure or improvement to real property. 50307

(b) To hold the thing transferred as security for the 50308
performance of an obligation of the vendor; 50309

(c) To resell, hold, use, or consume the thing transferred as 50310
evidence of a contract of insurance; 50311

(d) To use or consume the thing directly in commercial 50312
fishing; 50313

(e) To incorporate the thing transferred as a material or a 50314
part into, or to use or consume the thing transferred directly in 50315
the production of, magazines distributed as controlled circulation 50316
publications; 50317

(f) To use or consume the thing transferred in the production 50318
and preparation in suitable condition for market and sale of 50319

printed, imprinted, overprinted, lithographic, multilithic, 50320
blueprinted, photostatic, or other productions or reproductions of 50321
written or graphic matter; 50322

(g) To use the thing transferred, as described in section 50323
5739.011 of the Revised Code, primarily in a manufacturing 50324
operation to produce tangible personal property for sale; 50325

(h) To use the benefit of a warranty, maintenance or service 50326
contract, or similar agreement, as described in division (B)(7) of 50327
section 5739.01 of the Revised Code, to repair or maintain 50328
tangible personal property, if all of the property that is the 50329
subject of the warranty, contract, or agreement would not be 50330
subject to the tax imposed by this section; 50331

(i) To use the thing transferred as qualified research and 50332
development equipment; 50333

(j) To use or consume the thing transferred primarily in 50334
storing, transporting, mailing, or otherwise handling purchased 50335
sales inventory in a warehouse, distribution center, or similar 50336
facility when the inventory is primarily distributed outside this 50337
state to retail stores of the person who owns or controls the 50338
warehouse, distribution center, or similar facility, to retail 50339
stores of an affiliated group of which that person is a member, or 50340
by means of direct marketing. This division does not apply to 50341
motor vehicles registered for operation on the public highways. As 50342
used in this division, "affiliated group" has the same meaning as 50343
in division (B)(3)(e) of section 5739.01 of the Revised Code and 50344
"direct marketing" has the same meaning as in division (B)(35) of 50345
this section. 50346

(k) To use or consume the thing transferred to fulfill a 50347
contractual obligation incurred by a warrantor pursuant to a 50348
warranty provided as a part of the price of the tangible personal 50349
property sold or by a vendor of a warranty, maintenance or service 50350

contract, or similar agreement the provision of which is defined 50351
as a sale under division (B)(7) of section 5739.01 of the Revised 50352
Code; 50353

(l) To use or consume the thing transferred in the production 50354
of a newspaper for distribution to the public; 50355

(m) To use tangible personal property to perform a service 50356
listed in division (B)(3) of section 5739.01 of the Revised Code, 50357
if the property is or is to be permanently transferred to the 50358
consumer of the service as an integral part of the performance of 50359
the service. 50360

As used in division (B)(42) of this section, "thing" includes 50361
all transactions included in divisions (B)(3)(a), (b), and (e) of 50362
section 5739.01 of the Revised Code. 50363

(43) Sales conducted through a coin operated device that 50364
activates vacuum equipment or equipment that dispenses water, 50365
whether or not in combination with soap or other cleaning agents 50366
or wax, to the consumer for the consumer's use on the premises in 50367
washing, cleaning, or waxing a motor vehicle, provided no other 50368
personal property or personal service is provided as part of the 50369
transaction. 50370

(44) Sales of replacement and modification parts for engines, 50371
airframes, instruments, and interiors in, and paint for, aircraft 50372
used primarily in a fractional aircraft ownership program, and 50373
sales of services for the repair, modification, and maintenance of 50374
such aircraft, and machinery, equipment, and supplies primarily 50375
used to provide those services. 50376

(45) Sales of telecommunications service that is used 50377
directly and primarily to perform the functions of a call center. 50378
As used in this division, "call center" means any physical 50379
location where telephone calls are placed or received in high 50380
volume for the purpose of making sales, marketing, customer 50381

service, technical support, or other specialized business 50382
activity, and that employs at least fifty individuals that engage 50383
in call center activities on a full-time basis, or sufficient 50384
individuals to fill fifty full-time equivalent positions. 50385

(46) Sales by a telecommunications service vendor of 900 50386
service to a subscriber. This division does not apply to 50387
information services, as defined in division (FF) of section 50388
5739.01 of the Revised Code. 50389

(47) Sales of value-added non-voice data service. This 50390
division does not apply to any similar service that is not 50391
otherwise a telecommunications service. 50392

(C) For the purpose of the proper administration of this 50393
chapter, and to prevent the evasion of the tax, it is presumed 50394
that all sales made in this state are subject to the tax until the 50395
contrary is established. 50396

(D) The levy of this tax on retail sales of recreation and 50397
sports club service shall not prevent a municipal corporation from 50398
levying any tax on recreation and sports club dues or on any 50399
income generated by recreation and sports club dues. 50400

(E) The tax collected by the vendor from the consumer under 50401
this chapter is not part of the price, but is a tax collection for 50402
the benefit of the state, and of counties levying an additional 50403
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 50404
Code and of transit authorities levying an additional sales tax 50405
pursuant to section 5739.023 of the Revised Code. Except for the 50406
discount authorized under section 5739.12 of the Revised Code and 50407
the effects of any rounding pursuant to section 5703.055 of the 50408
Revised Code, no person other than the state or such a county or 50409
transit authority shall derive any benefit from the collection or 50410
payment of the tax levied by this section or section 5739.021, 50411
5739.023, or 5739.026 of the Revised Code. 50412

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 50413
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 50414
5741.023 of the Revised Code, and except as otherwise provided in 50415
division (B) of this section, the tax due under this chapter on 50416
the sale of a motor vehicle required to be titled under Chapter 50417
4505. of the Revised Code by a motor vehicle dealer to a consumer 50418
that is a nonresident of this state shall be the lesser of the 50419
amount of tax that would be due under this chapter and Chapter 50420
5741. of the Revised Code if the total combined rate were six per 50421
cent, or the amount of tax that would be due, taking into 50422
consideration all applicable credits and exemptions, to the state 50423
in which the consumer titles or registers the motor vehicle or to 50424
which the consumer removes the vehicle for use. 50425

(B) No tax is due under this section, any other section of 50426
this chapter, or Chapter 5741. of the Revised Code under any of 50427
the following circumstances: 50428

(1)(a) The consumer intends to immediately remove the motor 50429
vehicle from this state for use outside this state; 50430

(b) Upon removal of the motor vehicle from this state, the 50431
consumer intends to title or register the vehicle in another state 50432
if such titling or registration is required; 50433

(c) The consumer executes an affidavit as required under 50434
division (C) of this section affirming the consumer's intentions 50435
under divisions (B)(1)(a) and (b) of this section; and 50436

(d) The state in which the consumer titles or registers the 50437
motor vehicle or to which the consumer removes the vehicle for use 50438
provides an exemption under circumstances substantially similar to 50439
those described in division (B)(1) of this section. 50440

(2) The state in which the consumer titles or registers the 50441
motor vehicle or to which the consumer removes the vehicle for use 50442

does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state. 50443
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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. 50445
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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. 50449
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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. 50456
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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 in the name of the consumer as required under section 4505.06 of the Revised Code. The clerk shall forward the original affidavit to the tax commissioner in the manner prescribed by the commissioner. 50459
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Unless a sale is excepted from taxation under division (B) of this section, upon receipt of an application for certificate of title a clerk of the court of common pleas shall collect the sales tax due under division (A) of this section. The clerk shall remit the tax collected to the tax commissioner in the manner prescribed by the commissioner.

(E) If a motor vehicle is purchased by a corporation described in division (B)(6) of section 5739.01 of the Revised Code, the state of residence of the consumer for the purposes of this section is the state of residence of the corporation's principal shareholder.

(F) Any provision of this chapter or of Chapter 5741. of the Revised Code that is not inconsistent with this section applies to sales described in division (A) of this section.

(G) As used in this section:

(1) For the purposes of this section only, the sale or purchase of a motor vehicle does not include a lease or rental of a motor vehicle subject to division (A)(2) or (3) of section 5739.02 or division (A)(2) or (3) of section 5741.02 of the Revised Code;

(2) "State," except in reference to "this state," means any state, district, commonwealth, or territory of the United States.

Sec. 5739.032. (A) If the total amount of tax required to be paid by a permit holder under section 5739.031 of the Revised Code for any calendar year equals or exceeds seventy-five thousand dollars, the permit holder shall remit each monthly tax payment in the second ensuing and each succeeding year by electronic funds transfer as prescribed by division (B) of this section.

If a permit holder's tax payment for each of two consecutive years is less than seventy-five thousand dollars, the permit

holder is relieved of the requirement to remit taxes by electronic 50505
funds transfer for the year that next follows the second of the 50506
consecutive years in which the tax payment is less than that 50507
amount, and is relieved of that requirement for each succeeding 50508
year, unless the tax payment in a subsequent year equals or 50509
exceeds seventy-five thousand dollars. 50510

The tax commissioner shall notify each permit holder required 50511
to remit taxes by electronic funds transfer of the permit holder's 50512
obligation to do so, shall maintain an updated list of those 50513
permit holders, and shall timely certify the list and any 50514
additions thereto or deletions therefrom to the treasurer of 50515
state. Failure by the tax commissioner to notify a permit holder 50516
subject to this section to remit taxes by electronic funds 50517
transfer does not relieve the permit holder of its obligation to 50518
remit taxes by electronic funds transfer. 50519

(B) Permit holders required by division (A) of this section 50520
to remit payments by electronic funds transfer shall remit such 50521
payments to the treasurer of state in the manner prescribed by 50522
this section and rules adopted by the treasurer of state under 50523
section 113.061 of the Revised Code, and ~~on or before the~~ 50524
~~following dates as follows:~~ 50525

(1) ~~On or before each of the fifteenth and twenty-fifth days~~ 50526
~~of each month, a permit holder shall remit an amount equal to~~ 50527
~~thirty seven and one half per cent of the permit holder's total~~ 50528
~~tax liability for the same month in the preceding calendar year On~~ 50529
~~or before the twenty-third day of each month, a permit holder~~ 50530
~~shall remit an amount equal to seventy-five per cent of the~~ 50531
~~anticipated tax liability for that month.~~ 50532

(2) On or before the twenty-third day of each month, a permit 50533
holder shall report the taxes due for the previous month and shall 50534
remit that amount, less any amounts paid for that month as 50535
required by division (B)(1) of this section. 50536

The payment of taxes by electronic funds transfer does not 50537
affect a permit holder's obligation to file the monthly return as 50538
required under section 5739.031 of the Revised Code. 50539

(C) A permit holder required by this section to remit taxes 50540
by electronic funds transfer may apply to the treasurer of state 50541
in the manner prescribed by the treasurer of state to be excused 50542
from that requirement. The treasurer of state may excuse the 50543
permit holder from remittance by electronic funds transfer for 50544
good cause shown for the period of time requested by the permit 50545
holder or for a portion of that period. The treasurer of state 50546
shall notify the tax commissioner and the permit holder of the 50547
treasurer of state's decision as soon as is practicable. 50548

(D)(1)(a) If a permit holder that is required to remit 50549
payments under division (B) of this section fails to make a 50550
payment, or makes a payment under division (B)(1) of this section 50551
that is less than seventy-five per cent of the actual liability 50552
for that month, the commissioner may impose an additional charge 50553
not to exceed five per cent of that unpaid amount. 50554

(b) Division (D)(1)(a) of this section does not apply if the 50555
permit holder's payment under division (B)(1) of this section is 50556
equal to or greater than seventy-five per cent of the permit 50557
holder's reported liability for the same month in the immediately 50558
preceding calendar year. 50559

(2) If a permit holder required by this section to remit 50560
taxes by electronic funds transfer remits those taxes by some 50561
means other than by electronic funds transfer as prescribed by 50562
this section and the rules adopted by the treasurer of state, and 50563
the tax commissioner determines that such failure was not due to 50564
reasonable cause or was due to willful neglect, the commissioner 50565
may impose an additional charge not to exceed the lesser of five 50566
per cent of the amount of the taxes required to be paid by 50567
electronic funds transfer or five thousand dollars. 50568

(3) Any additional charge imposed under division (D)(1) or 50569
(2) of this section is in addition to any other penalty or charge 50570
imposed under this chapter, and shall be considered as revenue 50571
arising from taxes imposed under this chapter. An additional 50572
charge may be collected by assessment in the manner prescribed by 50573
section 5739.13 of the Revised Code. The tax commissioner may 50574
waive all or a portion of such a charge and may adopt rules 50575
governing such waiver. 50576

No additional charge shall be imposed under division (D)(2) 50577
of this section against a permit holder that has been notified of 50578
its obligation to remit taxes under this section and that remits 50579
its first two tax payments after such notification by some means 50580
other than electronic funds transfer. The additional charge may be 50581
imposed upon the remittance of any subsequent tax payment that the 50582
permit holder remits by some means other than electronic funds 50583
transfer. 50584

Sec. 5739.033. (A) Except as provided in division (B) of this 50585
section, divisions (C) to (I) of this section apply to sales made 50586
on and after May 1, 2006. Sales made before May 1, 2006, are 50587
subject to section 5739.035 of the Revised Code. On and after 50588
January 1, 2005, any vendor may irrevocably elect to comply with 50589
divisions (C) to (I) of this section for all of the vendor's sales 50590
and places of business in this state. 50591

The amount of tax due pursuant to sections 5739.02, 5739.021, 50592
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 50593
imposed pursuant to those sections at the sourcing location of the 50594
sale as determined under this section or, if applicable, under 50595
division (C) of section 5739.031 or section 5739.034 of the 50596
Revised Code, or at the situs of the sale as determined under 50597
section 5739.035 of the Revised Code. This section applies only to 50598
a vendor's or seller's obligation to collect and remit sales taxes 50599

under section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code or use taxes under section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code. Division (A) of this section does not apply in determining the jurisdiction for which sellers are required to collect the use tax under section 5741.05 of the Revised Code. This section does not affect the obligation of a consumer to remit use taxes on the storage, use, or other consumption of tangible personal property or on the benefit realized of any service provided, to the jurisdiction of that storage, use, or consumption, or benefit realized.

(B)(1) As used in this division:

(a) "Delivery sale" means the taxable sale of tangible personal property or a service that is received by a consumer, or a donee designated by the consumer, in a taxing jurisdiction that is not the taxing jurisdiction in which the vendor has a fixed place of business.

(b) "Agreement" has the same meaning as in section 5740.01 of the Revised Code.

(c) "Governing board" has the same meaning as in section 5740.02 of the Revised Code.

(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 50631
commissioner shall enter the determination in the commissioner's 50632
journal and shall provide notice of the determination on the 50633
department of taxation's official internet web site. If the 50634
commissioner makes such an entry in the journal, then a vendor 50635
with total delivery sales in calendar year 2006 that are less than 50636
five million dollars may continue to situs its sales under section 50637
5739.035 of the Revised Code from May 1, 2007, through December 50638
31, 2007. 50639

(3) Beginning January 1, 2008, all vendors shall source their 50640
sales under divisions (C) to (I) of this section. 50641

(4) Once a vendor has total delivery sales that exceed the 50642
dollar amount in division (B)(2)(a) or (b) of this section, the 50643
vendor shall source its sales under divisions (C) to (I) of this 50644
section and shall continue to source its sales under those 50645
divisions, regardless of the amount of the vendor's total delivery 50646
sales in future years. 50647

(C) Except for sales, other than leases, of titled motor 50648
vehicles, titled watercraft, or titled outboard motors as provided 50649
in ~~section~~ sections 5739.029 and 5741.05 of the Revised Code, or 50650
as otherwise provided in this section and section 5739.034 of the 50651
Revised Code, all sales shall be sourced as follows: 50652

(1) If the consumer or a donee designated by the consumer 50653
receives tangible personal property or a service at a vendor's 50654
place of business, the sale shall be sourced to that place of 50655
business. 50656

(2) When the tangible personal property or service is not 50657
received at a vendor's place of business, the sale shall be 50658
sourced to the location known to the vendor where the consumer or 50659
the donee designated by the consumer receives the tangible 50660
personal property or service, including the location indicated by 50661

instructions for delivery to the consumer or the consumer's donee. 50662

(3) If divisions (C)(1) and (2) of this section do not apply, 50663
the sale shall be sourced to the location indicated by an address 50664
for the consumer that is available from the vendor's business 50665
records that are maintained in the ordinary course of the vendor's 50666
business, when use of that address does not constitute bad faith. 50667
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(4) If divisions (C)(1), (2), and (3) of this section do not 50669
apply, the sale shall be sourced to the location indicated by an 50670
address for the consumer obtained during the consummation of the 50671
sale, including the address associated with the consumer's payment 50672
instrument, if no other address is available, when use of that 50673
address does not constitute bad faith. 50674

(5) If divisions (C)(1), (2), (3), and (4) of this section do 50675
not apply, including in the circumstance where the vendor is 50676
without sufficient information to apply any of those divisions, 50677
the sale shall be sourced to the address from which tangible 50678
personal property was shipped, or from which the service was 50679
provided, disregarding any location that merely provided the 50680
electronic transfer of the property sold or service provided. 50681

(6) As used in division (C) of this section, "receive" means 50682
taking possession of tangible personal property or making first 50683
use of a service. "Receive" does not include possession by a 50684
shipping company on behalf of a consumer. 50685

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 50686
section, a business consumer that is not a holder of a direct 50687
payment permit granted under section 5739.031 of the Revised Code, 50688
that purchases a digital good, computer software, except computer 50689
software received in person by a business consumer at a vendor's 50690
place of business, or a service, and that knows at the time of 50691
purchase that such digital good, software, or service will be 50692

concurrently available for use in more than one taxing 50693
jurisdiction shall deliver to the vendor in conjunction with its 50694
purchase an exemption certificate claiming multiple points of use, 50695
or shall meet the requirements of division (D)(2) of this section. 50696
On receipt of the exemption certificate claiming multiple points 50697
of use, the vendor is relieved of its obligation to collect, pay, 50698
or remit the tax due, and the business consumer must pay the tax 50699
directly to the state. 50700

(b) A business consumer that delivers the exemption 50701
certificate claiming multiple points of use to a vendor may use 50702
any reasonable, consistent, and uniform method of apportioning the 50703
tax due on the digital good, computer software, or service that is 50704
supported by the consumer's business records as they existed at 50705
the time of the sale. The business consumer shall report and pay 50706
the appropriate tax to each jurisdiction where concurrent use 50707
occurs. The tax due shall be calculated as if the apportioned 50708
amount of the digital good, computer software, or service had been 50709
delivered to each jurisdiction to which the sale is apportioned 50710
under this division. 50711

(c) The exemption certificate claiming multiple points of use 50712
shall remain in effect for all future sales by the vendor to the 50713
business consumer until it is revoked in writing by the business 50714
consumer, except as to the business consumer's specific 50715
apportionment of a subsequent sale under division (D)(1)(b) of 50716
this section and the facts existing at the time of the sale. 50717

(2) When the vendor knows that a digital good, computer 50718
software, or service sold will be concurrently available for use 50719
by the business consumer in more than one jurisdiction, but the 50720
business consumer does not provide an exemption certificate 50721
claiming multiple points of use as required by division (D)(1) of 50722
this section, the vendor may work with the business consumer to 50723
produce the correct apportionment. Governed by the principles of 50724

division (D)(1)(b) of this section, the vendor and business 50725
consumer may use any reasonable, but consistent and uniform, 50726
method of apportionment that is supported by the vendor's and 50727
business consumer's books and records as they exist at the time 50728
the sale is reported for purposes of the taxes levied under this 50729
chapter. If the business consumer certifies to the accuracy of the 50730
apportionment and the vendor accepts the certification, the vendor 50731
shall collect and remit the tax accordingly. In the absence of bad 50732
faith, the vendor is relieved of any further obligation to collect 50733
tax on any transaction where the vendor has collected tax pursuant 50734
to the information certified by the business consumer. 50735

(3) When the vendor knows that the digital good, computer 50736
software, or service will be concurrently available for use in 50737
more than one jurisdiction, and the business consumer does not 50738
have a direct pay permit and does not provide to the vendor an 50739
exemption certificate claiming multiple points of use as required 50740
in division (D)(1) of this section, or certification pursuant to 50741
division (D)(2) of this section, the vendor shall collect and 50742
remit the tax based on division (C) of this section. 50743

(4) Nothing in this section shall limit a person's obligation 50744
for sales or use tax to any state in which a digital good, 50745
computer software, or service is concurrently available for use, 50746
nor limit a person's ability under local, state, or federal law, 50747
to claim a credit for sales or use taxes legally due and paid to 50748
other jurisdictions. 50749

(E) A person who holds a direct payment permit issued under 50750
section 5739.031 of the Revised Code is not required to deliver an 50751
exemption certificate claiming multiple points of use to a vendor. 50752
But such permit holder shall comply with division (D)(2) of this 50753
section in apportioning the tax due on a digital good, computer 50754
software, or a service for use in business that will be 50755
concurrently available for use in more than one taxing 50756

jurisdiction. 50757

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 50758
section, the consumer of direct mail that is not a holder of a 50759
direct payment permit shall provide to the vendor in conjunction 50760
with the sale either an exemption certificate claiming direct mail 50761
prescribed by the tax commissioner, or information to show the 50762
jurisdictions to which the direct mail is delivered to recipients. 50763

(2) Upon receipt of such exemption certificate, the vendor is 50764
relieved of all obligations to collect, pay, or remit the 50765
applicable tax and the consumer is obligated to pay that tax on a 50766
direct pay basis. An exemption certificate claiming direct mail 50767
shall remain in effect for all future sales of direct mail by the 50768
vendor to the consumer until it is revoked in writing. 50769

(3) Upon receipt of information from the consumer showing the 50770
jurisdictions to which the direct mail is delivered to recipients, 50771
the vendor shall collect the tax according to the delivery 50772
information provided by the consumer. In the absence of bad faith, 50773
the vendor is relieved of any further obligation to collect tax on 50774
any transaction where the vendor has collected tax pursuant to the 50775
delivery information provided by the consumer. 50776

(4) If the consumer of direct mail does not have a direct 50777
payment permit and does not provide the vendor with either an 50778
exemption certificate claiming direct mail or delivery information 50779
as required by division (F)(1) of this section, the vendor shall 50780
collect the tax according to division (C)(5) of this section. 50781
Nothing in division (F)(4) of this section shall limit a 50782
consumer's obligation to pay sales or use tax to any state to 50783
which the direct mail is delivered. 50784

(5) If a consumer of direct mail provides the vendor with 50785
documentation of direct payment authority, the consumer shall not 50786
be required to provide an exemption certificate claiming direct 50787

mail or delivery information to the vendor. 50788

(G) If the vendor provides lodging to transient guests as 50789
specified in division (B)(2) of section 5739.01 of the Revised 50790
Code, the sale shall be sourced to the location where the lodging 50791
is located. 50792

(H)(1) As used in this division and division (I) of this 50793
section, "transportation equipment" means any of the following: 50794

(a) Locomotives and railcars that are utilized for the 50795
carriage of persons or property in interstate commerce. 50796

(b) Trucks and truck-tractors with a gross vehicle weight 50797
rating of greater than ten thousand pounds, trailers, 50798
semi-trailers, or passenger buses that are registered through the 50799
international registration plan and are operated under authority 50800
of a carrier authorized and certificated by the United States 50801
department of transportation or another federal authority to 50802
engage in the carriage of persons or property in interstate 50803
commerce. 50804

(c) Aircraft that are operated by air carriers authorized and 50805
certificated by the United States department of transportation or 50806
another federal authority to engage in the carriage of persons or 50807
property in interstate or foreign commerce. 50808

(d) Containers designed for use on and component parts 50809
attached to or secured on the items set forth in division 50810
(H)(1)(a), (b), or (c) of this section. 50811

(2) A sale, lease, or rental of transportation equipment 50812
shall be sourced pursuant to division (C) of this section. 50813

(I)(1) A lease or rental of tangible personal property that 50814
does not require recurring periodic payments shall be sourced 50815
pursuant to division (C) of this section. 50816

(2) A lease or rental of tangible personal property that 50817

requires recurring periodic payments shall be sourced as follows: 50818

(a) In the case of a motor vehicle, other than a motor 50819
vehicle that is transportation equipment, or an aircraft, other 50820
than an aircraft that is transportation equipment, such lease or 50821
rental shall be sourced as follows: 50822

(i) An accelerated tax payment on a lease or rental taxed 50823
pursuant to division (A)(2) of section 5739.02 of the Revised Code 50824
shall be sourced to the primary property location at the time the 50825
lease or rental is consummated. Any subsequent taxable charges on 50826
the lease or rental shall be sourced to the primary property 50827
location for the period in which the charges are incurred. 50828

(ii) For a lease or rental taxed pursuant to division (A)(3) 50829
of section 5739.02 of the Revised Code, each lease or rental 50830
installment shall be sourced to the primary property location for 50831
the period covered by the installment. 50832

(b) In the case of a lease or rental of all other tangible 50833
personal property, other than transportation equipment, such lease 50834
or rental shall be sourced as follows: 50835

(i) An accelerated tax payment on a lease or rental that is 50836
taxed pursuant to division (A)(2) of section 5739.02 of the 50837
Revised Code shall be sourced pursuant to division (C) of this 50838
section at the time the lease or rental is consummated. Any 50839
subsequent taxable charges on the lease or rental shall be sourced 50840
to the primary property location for the period in which the 50841
charges are incurred. 50842

(ii) For a lease or rental that is taxed pursuant to division 50843
(A)(3) of section 5739.02 of the Revised Code, the initial lease 50844
or rental installment shall be sourced pursuant to division (C) of 50845
this section. Each subsequent installment shall be sourced to the 50846
primary property location for the period covered by the 50847
installment. 50848

(3) As used in division (I) of this section, "primary
property location" means an address for tangible personal property
provided by the lessee or renter that is available to the lessor
or owner from its records maintained in the ordinary course of
business, when use of that address does not constitute bad faith.

Sec. 5739.09. (A)(1) A board of county commissioners may, by
resolution adopted by a majority of the members of the board, levy
an excise tax not to exceed three per cent on transactions by
which lodging by a hotel is or is to be furnished to transient
guests. The board shall establish all regulations necessary to
provide for the administration and allocation of the tax. The
regulations may prescribe the time for payment of the tax, and may
provide for the imposition of a penalty or interest, or both, for
late payments, provided that the penalty does not exceed ten per
cent of the amount of tax due, and the rate at which interest
accrues does not exceed the rate per annum prescribed pursuant to
section 5703.47 of the Revised Code. Except as provided in
divisions (A)(2), (3), (4), ~~and (5)~~, (6), and (7) of this section,
the regulations shall provide, after deducting the real and actual
costs of administering the tax, for the return to each municipal
corporation or township that does not levy an excise tax on the
transactions, a uniform percentage of the tax collected in the
municipal corporation or in the unincorporated portion of the
township from each transaction, not to exceed thirty-three and
one-third per cent. The remainder of the revenue arising from the
tax shall be deposited in a separate fund and shall be spent
solely to make contributions to the convention and visitors'
bureau operating within the county, including a pledge and
contribution of any portion of the remainder pursuant to an
agreement authorized by section 307.695 of the Revised Code,
provided that if the board of county commissioners of an eligible
county as defined in section 307.695 of the Revised Code adopts a

resolution amending a resolution levying a tax under this division 50881
to provide that the revenue from the tax shall be used by the 50882
board as described in division (H) of section 307.695 of the 50883
Revised Code, the remainder of the revenue shall be used as 50884
described in the resolution making that amendment. Except as 50885
provided in division (A)(2), (3), (4), ~~or (5), (6), or (7)~~ or (H) 50886
of this section, on and after May 10, 1994, a board of county 50887
commissioners may not levy an excise tax pursuant to this division 50888
in any municipal corporation or township located wholly or partly 50889
within the county that has in effect an ordinance or resolution 50890
levying an excise tax pursuant to division (B) of this section. 50891
The board of a county that has levied a tax under division (C) of 50892
this section may, by resolution adopted within ninety days after 50893
July 15, 1985, by a majority of the members of the board, amend 50894
the resolution levying a tax under this division to provide for a 50895
portion of that tax to be pledged and contributed in accordance 50896
with an agreement entered into under section 307.695 of the 50897
Revised Code. A tax, any revenue from which is pledged pursuant to 50898
such an agreement, shall remain in effect at the rate at which it 50899
is imposed for the duration of the period for which the revenue 50900
from the tax has been so pledged. 50901

The board of county commissioners of an eligible county as 50902
defined in section 307.695 of the Revised Code may, by resolution 50903
adopted by a majority of the members of the board, amend a 50904
resolution levying a tax under this division to provide that the 50905
revenue from the tax shall be used by the board as described in 50906
division (H) of section 307.695 of the Revised Code, in which case 50907
the tax shall remain in effect at the rate at which it was imposed 50908
for the duration of any agreement entered into by the board under 50909
section 307.695 of the Revised Code, the duration during which any 50910
securities issued by the board under that section are outstanding, 50911
or the duration of the period during which the board owns a 50912
project as defined in section 307.695 of the Revised Code, 50913

whichever duration is longest. 50914

(2) A board of county commissioners that levies an excise tax 50915
under division (A)(1) of this section on June 30, 1997, at a rate 50916
of three per cent, and that has pledged revenue from the tax to an 50917
agreement entered into under section 307.695 of the Revised Code 50918
or, in the case of the board of county commissioners of an 50919
eligible county as defined in section 307.695 of the Revised Code, 50920
has amended a resolution levying a tax under division (C) of this 50921
section to provide that proceeds from the tax shall be used by the 50922
board as described in division (H) of section 307.695 of the 50923
Revised Code, may, at any time by a resolution adopted by a 50924
majority of the members of the board, amend the resolution levying 50925
a tax under division (A)(1) of this section to provide for an 50926
increase in the rate of that tax up to seven per cent on each 50927
transaction; to provide that revenue from the increase in the rate 50928
shall be used as described in division (H) of section 307.695 of 50929
the Revised Code or be spent solely to make contributions to the 50930
convention and visitors' bureau operating within the county to be 50931
used specifically for promotion, advertising, and marketing of the 50932
region in which the county is located; and to provide that the 50933
rate in excess of the three per cent levied under division (A)(1) 50934
of this section shall remain in effect at the rate at which it is 50935
imposed for the duration of the period during which any agreement 50936
is in effect that was entered into under section 307.695 of the 50937
Revised Code by the board of county commissioners levying a tax 50938
under division (A)(1) of this section, the duration of the period 50939
during which any securities issued by the board under division (I) 50940
of section 307.695 of the Revised Code are outstanding, or the 50941
duration of the period during which the board owns a project as 50942
defined in section 307.695 of the Revised Code, whichever duration 50943
is longest. The amendment also shall provide that no portion of 50944
that revenue need be returned to townships or municipal 50945
corporations as would otherwise be required under division (A)(1) 50946

of this section. 50947

(3) A board of county commissioners that levies a tax under 50948
division (A)(1) of this section on March 18, 1999, at a rate of 50949
three per cent may, by resolution adopted not later than 50950
forty-five days after March 18, 1999, amend the resolution levying 50951
the tax to provide for all of the following: 50952

(a) That the rate of the tax shall be increased by not more 50953
than an additional four per cent on each transaction; 50954

(b) That all of the revenue from the increase in the rate 50955
shall be pledged and contributed to a convention facilities 50956
authority established by the board of county commissioners under 50957
Chapter 351. of the Revised Code on or before November 15, 1998, 50958
and used to pay costs of constructing, maintaining, operating, and 50959
promoting a facility in the county, including paying bonds, or 50960
notes issued in anticipation of bonds, as provided by that 50961
chapter; 50962

(c) That no portion of the revenue arising from the increase 50963
in rate need be returned to municipal corporations or townships as 50964
otherwise required under division (A)(1) of this section; 50965

(d) That the increase in rate shall not be subject to 50966
diminution by initiative or referendum or by law while any bonds, 50967
or notes in anticipation of bonds, issued by the authority under 50968
Chapter 351. of the Revised Code to which the revenue is pledged, 50969
remain outstanding in accordance with their terms, unless 50970
provision is made by law or by the board of county commissioners 50971
for an adequate substitute therefor that is satisfactory to the 50972
trustee if a trust agreement secures the bonds. 50973

Division (A)(3) of this section does not apply to the board 50974
of county commissioners of any county in which a convention center 50975
or facility exists or is being constructed on November 15, 1998, 50976
or of any county in which a convention facilities authority levies 50977

a tax pursuant to section 351.021 of the Revised Code on that 50978
date. 50979

As used in division (A)(3) of this section, "cost" and 50980
"facility" have the same meanings as in section 351.01 of the 50981
Revised Code, and "convention center" has the same meaning as in 50982
section 307.695 of the Revised Code. 50983

(4) A board of county commissioners that levies a tax under 50984
division (A)(1) of this section on June 30, 2002, at a rate of 50985
three per cent may, by resolution adopted not later than September 50986
30, 2002, amend the resolution levying the tax to provide for all 50987
of the following: 50988

(a) That the rate of the tax shall be increased by not more 50989
than an additional three and one-half per cent on each 50990
transaction; 50991

(b) That all of the revenue from the increase in rate shall 50992
be pledged and contributed to a convention facilities authority 50993
established by the board of county commissioners under Chapter 50994
351. of the Revised Code on or before May 15, 2002, and be used to 50995
pay costs of constructing, expanding, maintaining, operating, or 50996
promoting a convention center in the county, including paying 50997
bonds, or notes issued in anticipation of bonds, as provided by 50998
that chapter; 50999

(c) That no portion of the revenue arising from the increase 51000
in rate need be returned to municipal corporations or townships as 51001
otherwise required under division (A)(1) of this section; 51002

(d) That the increase in rate shall not be subject to 51003
diminution by initiative or referendum or by law while any bonds, 51004
or notes in anticipation of bonds, issued by the authority under 51005
Chapter 351. of the Revised Code to which the revenue is pledged, 51006
remain outstanding in accordance with their terms, unless 51007
provision is made by law or by the board of county commissioners 51008

for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

As used in division (A)(4) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(5)(a) As used in division (A)(5) of this section:

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to

increase the rate of a tax as authorized in division (A)(5)(b)(ii) 51039
of this section, the board also may amend the resolution to 51040
specify that the increase in rate of the tax does not apply to 51041
"hotels," as otherwise defined in section 5739.01 of the Revised 51042
Code, having fewer rooms used for the accommodation of guests than 51043
a number of rooms specified by the board. 51044

(6) A board of county commissioners of a county organized 51045
under a county charter adopted pursuant to Article X, Section 3, 51046
Ohio Constitution, and that levies an excise tax under division 51047
(A)(1) of this section at a rate of three per cent and levies an 51048
additional excise tax under division (E) of this section at a rate 51049
of one and one-half per cent may, by resolution adopted not later 51050
than January 1, 2008, by a majority of the members of the board, 51051
amend the resolution levying a tax under division (A)(1) of this 51052
section to provide for an increase in the rate of that tax by not 51053
more than an additional one per cent on transactions by which 51054
lodging by a hotel is or is to be furnished to transient guests. 51055
Notwithstanding divisions (A)(1) and (E) of this section, the 51056
resolution shall provide that all of the revenue from the increase 51057
in rate, after deducting the real and actual costs of 51058
administering the tax, shall be used to pay the costs of 51059
improving, expanding, equipping, financing, or operating a 51060
convention center by a convention and visitors' bureau in the 51061
county. The increase in rate shall remain in effect for the period 51062
specified in the resolution, not to exceed ten years. The increase 51063
in rate shall be subject to the regulations adopted under division 51064
(A)(1) of this section, except that the resolution may provide 51065
that no portion of the revenue from the increase in the rate shall 51066
be returned to townships or municipal corporations as would 51067
otherwise be required under that division. 51068

(7) Division (A)(7) of this section applies only to a county 51069
with a population greater than sixty-five thousand and less than 51070

seventy thousand according to the most recent federal decennial 51071
census and in which, on December 31, 2006, an excise tax is levied 51072
under division (A)(1) of this section at a rate not less than and 51073
not greater than three per cent, and in which the most recent 51074
increase in the rate of that tax was enacted or took effect in 51075
November 1984. 51076

The board of county commissioners of a county to which this 51077
division applies, by resolution adopted by a majority of the 51078
members of the board, may increase the rate of the tax by not more 51079
than one per cent on transactions by which lodging by a hotel is 51080
or is to be furnished to transient guests. The increase in rate 51081
shall be for the purpose of paying expenses deemed necessary by 51082
the convention and visitors' bureau operating in the county to 51083
promote travel and tourism. The increase in rate shall remain in 51084
effect for the period specified in the resolution, not to exceed 51085
twenty years, provided that the increase in rate may not continue 51086
beyond the time when the purpose for which the increase is levied 51087
ceases to exist. If revenue from the increase in rate is pledged 51088
to the payment of debt charges on securities, the increase in rate 51089
is not subject to diminution by initiative or referendum or by law 51090
for so long as the securities are outstanding, unless provision is 51091
made by law or by the board of county commissioners for an 51092
adequate substitute for that revenue that is satisfactory to the 51093
trustee if a trust agreement secures payment of the debt charges. 51094
The increase in rate shall be subject to the regulations adopted 51095
under division (A)(1) of this section, except that the resolution 51096
may provide that no portion of the revenue from the increase in 51097
the rate shall be returned to townships or municipal corporations 51098
as would otherwise be required under division (A)(1) of this 51099
section. A resolution adopted under division (A)(7) of this 51100
section is subject to referendum under sections 305.31 to 305.99 51101
of the Revised Code. 51102

(B)(1) The legislative authority of a municipal corporation 51103
or the board of trustees of a township that is not wholly or 51104
partly located in a county that has in effect a resolution levying 51105
an excise tax pursuant to division (A)(1) of this section may, by 51106
ordinance or resolution, levy an excise tax not to exceed three 51107
per cent on transactions by which lodging by a hotel is or is to 51108
be furnished to transient guests. The legislative authority of the 51109
municipal corporation or the board of trustees of the township 51110
shall deposit at least fifty per cent of the revenue from the tax 51111
levied pursuant to this division into a separate fund, which shall 51112
be spent solely to make contributions to convention and visitors' 51113
bureaus operating within the county in which the municipal 51114
corporation or township is wholly or partly located, and the 51115
balance of that revenue shall be deposited in the general fund. 51116
The municipal corporation or township shall establish all 51117
regulations necessary to provide for the administration and 51118
allocation of the tax. The regulations may prescribe the time for 51119
payment of the tax, and may provide for the imposition of a 51120
penalty or interest, or both, for late payments, provided that the 51121
penalty does not exceed ten per cent of the amount of tax due, and 51122
the rate at which interest accrues does not exceed the rate per 51123
annum prescribed pursuant to section 5703.47 of the Revised Code. 51124
The levy of a tax under this division is in addition to any tax 51125
imposed on the same transaction by a municipal corporation or a 51126
township as authorized by division (A) of section 5739.08 of the 51127
Revised Code. 51128

(2) The legislative authority of the most populous municipal 51129
corporation located wholly or partly in a county in which the 51130
board of county commissioners has levied a tax under division 51131
(A)(4) of this section may amend, on or before September 30, 2002, 51132
that municipal corporation's ordinance or resolution that levies 51133
an excise tax on transactions by which lodging by a hotel is or is 51134
to be furnished to transient guests, to provide for all of the 51135

following: 51136

(a) That the rate of the tax shall be increased by not more 51137
than an additional one per cent on each transaction; 51138

(b) That all of the revenue from the increase in rate shall 51139
be pledged and contributed to a convention facilities authority 51140
established by the board of county commissioners under Chapter 51141
351. of the Revised Code on or before May 15, 2002, and be used to 51142
pay costs of constructing, expanding, maintaining, operating, or 51143
promoting a convention center in the county, including paying 51144
bonds, or notes issued in anticipation of bonds, as provided by 51145
that chapter; 51146

(c) That the increase in rate shall not be subject to 51147
diminution by initiative or referendum or by law while any bonds, 51148
or notes in anticipation of bonds, issued by the authority under 51149
Chapter 351. of the Revised Code to which the revenue is pledged, 51150
remain outstanding in accordance with their terms, unless 51151
provision is made by law, by the board of county commissioners, or 51152
by the legislative authority, for an adequate substitute therefor 51153
that is satisfactory to the trustee if a trust agreement secures 51154
the bonds. 51155

As used in division (B)(2) of this section, "cost" has the 51156
same meaning as in section 351.01 of the Revised Code, and 51157
"convention center" has the same meaning as in section 307.695 of 51158
the Revised Code. 51159

(C) For the purposes described in section 307.695 of the 51160
Revised Code and to cover the costs of administering the tax, a 51161
board of county commissioners of a county where a tax imposed 51162
under division (A)(1) of this section is in effect may, by 51163
resolution adopted within ninety days after July 15, 1985, by a 51164
majority of the members of the board, levy an additional excise 51165
tax not to exceed three per cent on transactions by which lodging 51166

by a hotel is or is to be furnished to transient guests. The tax 51167
authorized by this division shall be in addition to any tax that 51168
is levied pursuant to division (A) of this section, but it shall 51169
not apply to transactions subject to a tax levied by a municipal 51170
corporation or township pursuant to the authorization granted by 51171
division (A) of section 5739.08 of the Revised Code. The board 51172
shall establish all regulations necessary to provide for the 51173
administration and allocation of the tax. The regulations may 51174
prescribe the time for payment of the tax, and may provide for the 51175
imposition of a penalty or interest, or both, for late payments, 51176
provided that the penalty does not exceed ten per cent of the 51177
amount of tax due, and the rate at which interest accrues does not 51178
exceed the rate per annum prescribed pursuant to section 5703.47 51179
of the Revised Code. All revenues arising from the tax shall be 51180
expended in accordance with section 307.695 of the Revised Code. 51181
The board of county commissioners of an eligible county as defined 51182
in section 307.695 of the Revised Code may, by resolution adopted 51183
by a majority of the members of the board, amend the resolution 51184
levying a tax under this division to provide that the revenue from 51185
the tax shall be used by the board as described in division (H) of 51186
section 307.695 of the Revised Code. A tax imposed under this 51187
division shall remain in effect at the rate at which it is imposed 51188
for the duration of the period during which any agreement entered 51189
into by the board under section 307.695 of the Revised Code is in 51190
effect, the duration of the period during which any securities 51191
issued by the board under division (I) of section 307.695 of the 51192
Revised Code are outstanding, or the duration of the period during 51193
which the board owns a project as defined in section 307.695 of 51194
the Revised Code, whichever duration is longest. 51195

(D) For the purpose of providing contributions under division 51196
(B)(1) of section 307.671 of the Revised Code to enable the 51197
acquisition, construction, and equipping of a port authority 51198
educational and cultural facility in the county and, to the extent 51199

provided for in the cooperative agreement authorized by that 51200
section, for the purpose of paying debt service charges on bonds, 51201
or notes in anticipation of bonds, described in division (B)(1)(b) 51202
of that section, a board of county commissioners, by resolution 51203
adopted within ninety days after December 22, 1992, by a majority 51204
of the members of the board, may levy an additional excise tax not 51205
to exceed one and one-half per cent on transactions by which 51206
lodging by a hotel is or is to be furnished to transient guests. 51207
The excise tax authorized by this division shall be in addition to 51208
any tax that is levied pursuant to divisions (A), (B), and (C) of 51209
this section, to any excise tax levied pursuant to section 5739.08 51210
of the Revised Code, and to any excise tax levied pursuant to 51211
section 351.021 of the Revised Code. The board of county 51212
commissioners shall establish all regulations necessary to provide 51213
for the administration and allocation of the tax that are not 51214
inconsistent with this section or section 307.671 of the Revised 51215
Code. The regulations may prescribe the time for payment of the 51216
tax, and may provide for the imposition of a penalty or interest, 51217
or both, for late payments, provided that the penalty does not 51218
exceed ten per cent of the amount of tax due, and the rate at 51219
which interest accrues does not exceed the rate per annum 51220
prescribed pursuant to section 5703.47 of the Revised Code. All 51221
revenues arising from the tax shall be expended in accordance with 51222
section 307.671 of the Revised Code and division (D) of this 51223
section. The levy of a tax imposed under this division may not 51224
commence prior to the first day of the month next following the 51225
execution of the cooperative agreement authorized by section 51226
307.671 of the Revised Code by all parties to that agreement. The 51227
tax shall remain in effect at the rate at which it is imposed for 51228
the period of time described in division (C) of section 307.671 of 51229
the Revised Code for which the revenue from the tax has been 51230
pledged by the county to the corporation pursuant to that section, 51231
but, to any extent provided for in the cooperative agreement, for 51232

no lesser period than the period of time required for payment of 51233
the debt service charges on bonds, or notes in anticipation of 51234
bonds, described in division (B)(1)(b) of that section. 51235

(E) For the purpose of paying the costs of acquiring, 51236
constructing, equipping, and improving a municipal educational and 51237
cultural facility, including debt service charges on bonds 51238
provided for in division (B) of section 307.672 of the Revised 51239
Code, and for any additional purposes determined by the county in 51240
the resolution levying the tax or amendments to the resolution, 51241
including subsequent amendments providing for paying costs of 51242
acquiring, constructing, renovating, rehabilitating, equipping, 51243
and improving a port authority educational and cultural performing 51244
arts facility, as defined in section 307.674 of the Revised Code, 51245
and including debt service charges on bonds provided for in 51246
division (B) of section 307.674 of the Revised Code, the 51247
legislative authority of a county, by resolution adopted within 51248
ninety days after June 30, 1993, by a majority of the members of 51249
the legislative authority, may levy an additional excise tax not 51250
to exceed one and one-half per cent on transactions by which 51251
lodging by a hotel is or is to be furnished to transient guests. 51252
The excise tax authorized by this division shall be in addition to 51253
any tax that is levied pursuant to divisions (A), (B), (C), and 51254
(D) of this section, to any excise tax levied pursuant to section 51255
5739.08 of the Revised Code, and to any excise tax levied pursuant 51256
to section 351.021 of the Revised Code. The legislative authority 51257
of the county shall establish all regulations necessary to provide 51258
for the administration and allocation of the tax. The regulations 51259
may prescribe the time for payment of the tax, and may provide for 51260
the imposition of a penalty or interest, or both, for late 51261
payments, provided that the penalty does not exceed ten per cent 51262
of the amount of tax due, and the rate at which interest accrues 51263
does not exceed the rate per annum prescribed pursuant to section 51264
5703.47 of the Revised Code. All revenues arising from the tax 51265

shall be expended in accordance with section 307.672 of the Revised Code and this division. The levy of a tax imposed under this division shall not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.672 of the Revised Code by all parties to that agreement. The tax shall remain in effect at the rate at which it is imposed for the period of time determined by the legislative authority of the county, ~~but~~. That period of time shall not to exceed fifteen years, except that the legislative authority of a county with a population of less than two hundred fifty thousand according to the most recent federal decennial census, by resolution adopted by a majority of its members before the original tax expires, may extend the duration of the tax for an additional period of time. The additional period of time by which a legislative authority extends a tax levied under this division shall not exceed fifteen years.

(F) The legislative authority of a county that has levied a tax under division (E) of this section may, by resolution adopted within one hundred eighty days after January 4, 2001, by a majority of the members of the legislative authority, amend the resolution levying a tax under that division to provide for the use of the proceeds of that tax, to the extent that it is no longer needed for its original purpose as determined by the parties to a cooperative agreement amendment pursuant to division (D) of section 307.672 of the Revised Code, to pay costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, and to pay all obligations under any guaranty agreements, reimbursement agreements, or other credit enhancement agreements described in division (C) of section 307.674 of the Revised Code. The resolution may also provide for the extension of the tax at the

same rate for the longer of the period of time determined by the 51299
legislative authority of the county, but not to exceed an 51300
additional twenty-five years, or the period of time required to 51301
pay all debt service charges on bonds provided for in division (B) 51302
of section 307.672 of the Revised Code and on port authority 51303
revenue bonds provided for in division (B) of section 307.674 of 51304
the Revised Code. All revenues arising from the amendment and 51305
extension of the tax shall be expended in accordance with section 51306
307.674 of the Revised Code, this division, and division (E) of 51307
this section. 51308

(G) For purposes of a tax levied by a county, township, or 51309
municipal corporation under this section or section 5739.08 of the 51310
Revised Code, a board of county commissioners, board of township 51311
trustees, or the legislative authority of a municipal corporation 51312
may adopt a resolution or ordinance at any time specifying that 51313
"hotel," as otherwise defined in section 5739.01 of the Revised 51314
Code, includes establishments in which fewer than five rooms are 51315
used for the accommodation of guests. The resolution or ordinance 51316
may apply to a tax imposed pursuant to this section prior to the 51317
adoption of the resolution or ordinance if the resolution or 51318
ordinance so states, but the tax shall not apply to transactions 51319
by which lodging by such an establishment is provided to transient 51320
guests prior to the adoption of the resolution or ordinance. 51321

(H)(1) As used in this division: 51322

(a) "Convention facilities authority" has the same meaning as 51323
in section 351.01 of the Revised Code. 51324

(b) "Convention center" has the same meaning as in section 51325
307.695 of the Revised Code. 51326

(2) Notwithstanding any contrary provision of division (D) of 51327
this section, the legislative authority of a county with a 51328
population of one million or more according to the most recent 51329

federal decennial census that has levied a tax under division (D) 51330
of this section may, by resolution adopted by a majority of the 51331
members of the legislative authority, provide for the extension of 51332
such levy and may provide that the proceeds of that tax, to the 51333
extent that they are no longer needed for their original purpose 51334
as defined by a cooperative agreement entered into under section 51335
307.671 of the Revised Code, shall be deposited into the county 51336
general revenue fund. The resolution shall provide for the 51337
extension of the tax at a rate not to exceed the rate specified in 51338
division (D) of this section for a period of time determined by 51339
the legislative authority of the county, but not to exceed an 51340
additional forty years. 51341

(3) The legislative authority of a county with a population 51342
of one million or more that has levied a tax under division (A)(1) 51343
of this section may, by resolution adopted by a majority of the 51344
members of the legislative authority, increase the rate of the tax 51345
levied by such county under division (A)(1) of this section to a 51346
rate not to exceed five per cent on transactions by which lodging 51347
by a hotel is or is to be furnished to transient guests. 51348
Notwithstanding any contrary provision of division (A)(1) of this 51349
section, the resolution may provide that all collections resulting 51350
from the rate levied in excess of three per cent, after deducting 51351
the real and actual costs of administering the tax, shall be 51352
deposited in the county general fund. 51353

(4) The legislative authority of a county with a population 51354
of one million or more that has levied a tax under division (A)(1) 51355
of this section may, by resolution adopted on or before August 30, 51356
2004, by a majority of the members of the legislative authority, 51357
provide that all or a portion of the proceeds of the tax levied 51358
under division (A)(1) of this section, after deducting the real 51359
and actual costs of administering the tax and the amounts required 51360
to be returned to townships and municipal corporations with 51361

respect to the first three per cent levied under division (A)(1) 51362
of this section, shall be deposited in the county general fund, 51363
provided that such proceeds shall be used to satisfy any pledges 51364
made in connection with an agreement entered into under section 51365
307.695 of the Revised Code. 51366

(5) No amount collected from a tax levied, extended, or 51367
required to be deposited in the county general fund under division 51368
(H) of this section shall be contributed to a convention 51369
facilities authority, corporation, or other entity created after 51370
July 1, 2003, for the principal purpose of constructing, 51371
improving, expanding, equipping, financing, or operating a 51372
convention center unless the mayor of the municipal corporation in 51373
which the convention center is to be operated by that convention 51374
facilities authority, corporation, or other entity has consented 51375
to the creation of that convention facilities authority, 51376
corporation, or entity. Notwithstanding any contrary provision of 51377
section 351.04 of the Revised Code, if a tax is levied by a county 51378
under division (H) of this section, the board of county 51379
commissioners of that county may determine the manner of 51380
selection, the qualifications, the number, and terms of office of 51381
the members of the board of directors of any convention facilities 51382
authority, corporation, or other entity described in division 51383
(H)(5) of this section. 51384

(6)(a) No amount collected from a tax levied, extended, or 51385
required to be deposited in the county general fund under division 51386
(H) of this section may be used for any purpose other than paying 51387
the direct and indirect costs of constructing, improving, 51388
expanding, equipping, financing, or operating a convention center 51389
and for the real and actual costs of administering the tax, 51390
unless, prior to the adoption of the resolution of the legislative 51391
authority of the county authorizing the levy, extension, increase, 51392
or deposit, the county and the mayor of the most populous 51393

municipal corporation in that county have entered into an 51394
agreement as to the use of such amounts, provided that such 51395
agreement has been approved by a majority of the mayors of the 51396
other municipal corporations in that county. The agreement shall 51397
provide that the amounts to be used for purposes other than paying 51398
the convention center or administrative costs described in 51399
division (H)(6)(a) of this section be used only for the direct and 51400
indirect costs of capital improvements, including the financing of 51401
capital improvements. 51402

(b) If the county in which the tax is levied has an 51403
association of mayors and city managers, the approval of that 51404
association of an agreement described in division (H)(6)(a) of 51405
this section shall be considered to be the approval of the 51406
majority of the mayors of the other municipal corporations for 51407
purposes of that division. 51408

(7) Each year, the auditor of state shall conduct an audit of 51409
the uses of any amounts collected from taxes levied, extended, or 51410
deposited under division (H) of this section and shall prepare a 51411
report of the auditor of state's findings. The auditor of state 51412
shall submit the report to the legislative authority of the county 51413
that has levied, extended, or deposited the tax, the speaker of 51414
the house of representatives, the president of the senate, and the 51415
leaders of the minority parties of the house of representatives 51416
and the senate. 51417

(I)(1) As used in this division: 51418

(a) "Convention facilities authority" has the same meaning as 51419
in section 351.01 of the Revised Code. 51420

(b) "Convention center" has the same meaning as in section 51421
307.695 of the Revised Code. 51422

(2) Notwithstanding any contrary provision of division (D) of 51423
this section, the legislative authority of a county with a 51424

population of one million two hundred thousand or more according 51425
to the most recent federal decennial census or the most recent 51426
annual population estimate published or released by the United 51427
States census bureau at the time the resolution is adopted placing 51428
the levy on the ballot, that has levied a tax under division (D) 51429
of this section may, by resolution adopted by a majority of the 51430
members of the legislative authority, provide for the extension of 51431
such levy and may provide that the proceeds of that tax, to the 51432
extent that the proceeds are no longer needed for their original 51433
purpose as defined by a cooperative agreement entered into under 51434
section 307.671 of the Revised Code and after deducting the real 51435
and actual costs of administering the tax, shall be used for 51436
paying the direct and indirect costs of constructing, improving, 51437
expanding, equipping, financing, or operating a convention center. 51438
The resolution shall provide for the extension of the tax at a 51439
rate not to exceed the rate specified in division (D) of this 51440
section for a period of time determined by the legislative 51441
authority of the county, but not to exceed an additional forty 51442
years. 51443

(3) The legislative authority of a county with a population 51444
of one million two hundred thousand or more that has levied a tax 51445
under division (A)(1) of this section may, by resolution adopted 51446
by a majority of the members of the legislative authority, 51447
increase the rate of the tax levied by such county under division 51448
(A)(1) of this section to a rate not to exceed five per cent on 51449
transactions by which lodging by a hotel is or is to be furnished 51450
to transient guests. Notwithstanding any contrary provision of 51451
division (A)(1) of this section, the resolution shall provide that 51452
all collections resulting from the rate levied in excess of three 51453
per cent, after deducting the real and actual costs of 51454
administering the tax, shall be used for paying the direct and 51455
indirect costs of constructing, improving, expanding, equipping, 51456
financing, or operating a convention center. 51457

(4) The legislative authority of a county with a population 51458
of one million two hundred thousand or more that has levied a tax 51459
under division (A)(1) of this section may, by resolution adopted 51460
on or before July 1, 2008, by a majority of the members of the 51461
legislative authority, provide that all or a portion of the 51462
proceeds of the tax levied under division (A)(1) of this section, 51463
after deducting the real and actual costs of administering the tax 51464
and the amounts required to be returned to townships and municipal 51465
corporations with respect to the first three per cent levied under 51466
division (A)(1) of this section, shall be used to satisfy any 51467
pledges made in connection with an agreement entered into under 51468
section 307.695 of the Revised Code or shall otherwise be used for 51469
paying the direct and indirect costs of constructing, improving, 51470
expanding, equipping, financing, or operating a convention center. 51471

(5) Any amount collected from a tax levied or extended under 51472
division (I) of this section may be contributed to a convention 51473
facilities authority created before July 1, 2005, but no amount 51474
collected from a tax levied or extended under division (I) of this 51475
section may be contributed to a convention facilities authority, 51476
corporation, or other entity created after July 1, 2005, unless 51477
the mayor of the municipal corporation in which the convention 51478
center is to be operated by that convention facilities authority, 51479
corporation, or other entity has consented to the creation of that 51480
convention facilities authority, corporation, or entity. 51481

Sec. 5739.12. (A) Each person who has or is required to have 51482
a vendor's license, on or before the twenty-third day of each 51483
month, shall make and file a return for the preceding month, on 51484
forms prescribed by the tax commissioner, and shall pay the tax 51485
shown on the return to be due. The commissioner may require a 51486
vendor that operates from multiple locations or has multiple 51487
vendor's licenses to report all tax liabilities on one 51488
consolidated return. The return shall show the amount of tax due 51489

from the vendor to the state for the period covered by the return 51490
and such other information as the commissioner deems necessary for 51491
the proper administration of this chapter. The commissioner may 51492
extend the time for making and filing returns and paying the tax, 51493
and may require that the return for the last month of any annual 51494
or semiannual period, as determined by the commissioner, be a 51495
reconciliation return detailing the vendor's sales activity for 51496
the preceding annual or semiannual period. The reconciliation 51497
return shall be filed by the last day of the month following the 51498
last month of the annual or semiannual period. The commissioner 51499
may remit all or any part of amounts or penalties that may become 51500
due under this chapter and may adopt rules relating thereto. Such 51501
return shall be filed by mailing it to the tax commissioner, 51502
together with payment of the amount of tax shown to be due thereon 51503
after deduction of any discount provided for under this section. 51504
Remittance shall be made payable to the treasurer of state. The 51505
return shall be considered filed when received by the tax 51506
commissioner, and the payment shall be considered made when 51507
received by the tax commissioner or when credited to an account 51508
designated by the treasurer of state or the tax commissioner. 51509

(B)(1) If the return is filed and the amount of tax shown 51510
thereon to be due is paid on or before the date such return is 51511
required to be filed, the vendor shall be entitled to ~~the~~ 51512
~~following a discount of:~~ 51513

~~(1)~~(a) On and after July 1, 2005, and on and before June 30, 51514
2007, nine-tenths of one per cent of the amount shown to be due on 51515
the return; 51516

~~(2)~~(b) On and after July 1, 2007, three-fourths of one per 51517
cent of the amount shown to be due on the return. 51518

(2) A vendor that has selected a certified service provider 51519
as its agent shall not be entitled to the discount if the 51520
certified service provider receives a monetary allowance pursuant 51521

to section 5739.06 of the Revised Code for performing the vendor's 51522
sales and use tax functions in this state. Amounts paid to the 51523
clerk of courts pursuant to section 4505.06 of the Revised Code 51524
shall be subject to the applicable discount. The discount shall be 51525
in consideration for prompt payment to the clerk of courts and for 51526
other services performed by the vendor in the collection of the 51527
tax. 51528

(C)(1) Upon application to the commissioner, a vendor who is 51529
required to file monthly returns may be relieved of the 51530
requirement to report and pay the actual tax due, provided that 51531
the vendor agrees to remit to the tax commissioner payment of not 51532
less than an amount determined by the commissioner to be the 51533
average monthly tax liability of the vendor, based upon a review 51534
of the returns or other information pertaining to such vendor for 51535
a period of not less than six months nor more than two years 51536
immediately preceding the filing of the application. Vendors who 51537
agree to the above conditions shall make and file an annual or 51538
semiannual reconciliation return, as prescribed by the 51539
commissioner. The reconciliation return shall be filed by mailing 51540
or delivering it to the tax commissioner, together with payment of 51541
the amount of tax shown to be due thereon after deduction of any 51542
discount provided in this section. Remittance shall be made 51543
payable to the treasurer of state. Failure of a vendor to comply 51544
with any of the above conditions may result in immediate 51545
reinstatement of the requirement of reporting and paying the 51546
actual tax liability on each monthly return, and the commissioner 51547
may at the commissioner's discretion deny the vendor the right to 51548
report and pay based upon the average monthly liability for a 51549
period not to exceed two years. The amount ascertained by the 51550
commissioner to be the average monthly tax liability of a vendor 51551
may be adjusted, based upon a review of the returns or other 51552
information pertaining to the vendor for a period of not less than 51553
six months nor more than two years preceding such adjustment. 51554

(2) The commissioner may authorize vendors whose tax liability is not such as to merit monthly returns, as ascertained by the commissioner upon the basis of administrative costs to the state, to make and file returns at less frequent intervals. When returns are filed at less frequent intervals in accordance with such authorization, the vendor shall be allowed the discount provided in this section in consideration for prompt payment with the return, provided the return is filed together with payment of the amount of tax shown to be due thereon, at the time specified by the commissioner, but a vendor that has selected a certified service provider as its agent shall not be entitled to the discount.

(D) Any vendor who fails to file a return or pay the full amount of the tax shown on the return to be due under this section and the rules of the commissioner may, for each such return the vendor fails to file or each such tax the vendor fails to pay in full as shown on the return within the period prescribed by this section and the rules of the commissioner, be required to forfeit and pay into the state treasury an additional charge not exceeding fifty dollars or ten per cent of the tax required to be paid for the reporting period, whichever is greater, as revenue arising from the tax imposed by this chapter, and such sum may be collected by assessment in the manner provided in section 5739.13 of the Revised Code. The commissioner may remit all or a portion of the additional charge and may adopt rules relating to the imposition and remission of the additional charge.

(E) If the amount required to be collected by a vendor from consumers is in excess of the applicable percentage of the vendor's receipts from sales that are taxable under section 5739.02 of the Revised Code, or in the case of sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, in excess of the percentage equal to the

aggregate rate of such taxes and the tax levied by section 5739.02 51587
of the Revised Code, such excess shall be remitted along with the 51588
remittance of the amount of tax due under section 5739.10 of the 51589
Revised Code. 51590

(F) The commissioner, if the commissioner deems it necessary 51591
in order to insure the payment of the tax imposed by this chapter, 51592
may require returns and payments to be made for other than monthly 51593
periods. The returns shall be signed by the vendor or the vendor's 51594
authorized agent. 51595

(G) Any vendor required to file a return and pay the tax 51596
under this section, whose total payment equals or exceeds the 51597
amount shown in division (A) of section 5739.122 of the Revised 51598
Code, shall make each payment required by this section in the 51599
second ensuing and each succeeding year by electronic funds 51600
transfer as prescribed by, and on or before the dates specified 51601
in, section 5739.122 of the Revised Code, except as otherwise 51602
prescribed by that section. For a vendor that operates from 51603
multiple locations or has multiple vendor's licenses, in 51604
determining whether the vendor's total payment equals or exceeds 51605
the amount shown in division (A) of that section, the vendor's 51606
total payment amount shall be the amount of the vendor's total tax 51607
liability for the previous calendar year for all of the vendor's 51608
locations or licenses. 51609

Sec. 5739.122. (A) If the total amount of tax required to be 51610
paid by a vendor under section 5739.12 of the Revised Code for any 51611
calendar year equals or exceeds seventy-five thousand dollars, the 51612
vendor shall remit each monthly tax payment in the second ensuing 51613
and each succeeding tax year by electronic funds transfer as 51614
prescribed by divisions (B) and (C) of this section. 51615

If a vendor's tax payment for each of two consecutive years 51616
is less than seventy-five thousand dollars, the vendor is relieved 51617

of the requirement to remit taxes by electronic funds transfer for 51618
the year that next follows the second of the consecutive years in 51619
which the tax payment is less than that amount, and is relieved of 51620
that requirement for each succeeding year, unless the tax payment 51621
in a subsequent year equals or exceeds seventy-five thousand 51622
dollars. 51623

The tax commissioner shall notify each vendor required to 51624
remit taxes by electronic funds transfer of the vendor's 51625
obligation to do so, shall maintain an updated list of those 51626
vendors, and shall timely certify the list and any additions 51627
thereto or deletions therefrom to the treasurer of state. Failure 51628
by the tax commissioner to notify a vendor subject to this section 51629
to remit taxes by electronic funds transfer does not relieve the 51630
vendor of its obligation to remit taxes by electronic funds 51631
transfer. 51632

(B) Vendors required by division (A) of this section to remit 51633
payments by electronic funds transfer shall remit such payments to 51634
the treasurer of state in the manner prescribed by this section 51635
and rules adopted by the treasurer of state under section 113.061 51636
of the Revised Code, and ~~on or before the following dates as~~ 51637
follows: 51638

~~(1) On or before the fifteenth day of each month, a vendor 51639
shall remit an amount equal to the taxes collected during the 51640
first eleven days of the month. On or before the twenty fifth day 51641
of each month, a vendor shall remit an amount equal to the taxes 51642
collected on the twelfth through the twenty first day of the 51643
month. 51644~~

~~(2) In lieu of remitting the actual amounts collected for the 51645
periods specified in division (B)(1) of this section, a vendor 51646
may, on or before each of the fifteenth and twenty fifth days of 51647
each month, remit an amount equal to thirty seven and one half per 51648
cent of the vendor's total tax liability for the same month in the 51649~~

~~preceding calendar year.~~ 51650

~~(3) On or before the twenty-third day of each month, a vendor shall remit an amount equal to seventy-five per cent of the anticipated tax liability for that month.~~ 51651
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(2) On or before the twenty-third day of each month, a vendor shall report the taxes collected for the previous month and shall remit that amount, less any amounts paid for that month as required by division (B)(1) ~~or (2)~~ of this section. 51654
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The payment of taxes by electronic funds transfer does not affect a vendor's obligation to file the monthly return as required under section 5739.12 of the Revised Code. 51658
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(C) A vendor required by this section to remit taxes by electronic funds transfer may apply to the treasurer of state in the manner prescribed by the treasurer of state to be excused from that requirement. The treasurer of state may excuse the vendor from remittance by electronic funds transfer for good cause shown for the period of time requested by the vendor or for a portion of that period. The treasurer of state shall notify the tax commissioner and the vendor of the treasurer of state's decision as soon as is practicable. 51661
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(D)(1)(a) If a vendor that is required to remit payments under division (B) of this section fails to make a payment, or makes a payment under division (B)(1) of this section that is less than seventy-five per cent of the actual liability for that month, the commissioner may impose an additional charge not to exceed five per cent of that unpaid amount. 51670
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(b) Division (D)(1)(a) of this section does not apply if the vendor's payment under division (B)(1) of this section is equal to or greater than seventy-five per cent of the vendor's reported liability for the same month in the immediately preceding calendar year. 51676
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(2) If a vendor required by this section to remit taxes by electronic funds transfer remits those taxes by some means other than by electronic funds transfer as prescribed by this section and the rules adopted by the treasurer of state, and the treasurer of state determines that such failure was not due to reasonable cause or was due to willful neglect, the treasurer of state shall notify the tax commissioner of the failure to remit by electronic funds transfer and shall provide the commissioner with any information used in making that determination. The tax commissioner may impose an additional charge not to exceed the lesser of five per cent of the amount of the taxes required to be paid by electronic funds transfer or five thousand dollars.

(3) Any additional charge imposed under division (D)(1) or (2) of this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from taxes imposed under this chapter. An additional charge may be collected by assessment in the manner prescribed by section 5739.13 of the Revised Code. The tax commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver.

No additional charge shall be imposed under division (D)(2) of this section against a vendor that has been notified of its obligation to remit taxes under this section and that remits its first two tax payments after such notification by some means other than electronic funds transfer. The additional charge may be imposed upon the remittance of any subsequent tax payment that the vendor remits by some means other than electronic funds transfer.

Sec. 5739.124. (A) If required by the tax commissioner, a person required to make payments by electronic funds transfer under section 5739.032 or 5739.122 of the Revised Code shall file all returns and reports electronically. The commissioner may

require the person to use the Ohio business gateway, as defined in 51712
section 718.051 of the Revised Code, or any other electronic 51713
means, to file the returns and reports, or to remit the tax, in 51714
lieu of the manner prescribed by the treasurer of state under 51715
sections 5739.032 and 5739.122 of the Revised Code. 51716

(B) A person required under this section to file reports and 51717
returns electronically may apply to the commissioner to be excused 51718
from that requirement. Applications shall be made on a form 51719
prescribed by the commissioner. The commissioner may approve the 51720
application for good cause. 51721

(C)(1) If a person required to file a report or return 51722
electronically under this section fails to do so, the commissioner 51723
may impose an additional charge not to exceed the following: 51724

(a) For each of the first two failures, five per cent of the 51725
amount required to be reported on the report or return; 51726

(b) For the third and any subsequent failure, ten per cent of 51727
the amount required to be reported on the report or return. 51728

(2) The charges authorized under division (C)(1) of this 51729
section are in addition to any other charge or penalty authorized 51730
under this chapter, and shall be considered as revenue arising 51731
from taxes imposed under this chapter. An additional charge may be 51732
collected by assessment in the manner prescribed by section 51733
5739.13 of the Revised Code. The commissioner may waive all or a 51734
portion of such a charge and may adopt rules governing such 51735
waiver. 51736

Sec. 5739.21. (A) ~~Four and two tenths~~ One hundred per cent of 51737
all money deposited into the state treasury under sections 5739.01 51738
to 5739.31 of the Revised Code and not required to be distributed 51739
as provided in section 5739.102 of the Revised Code or division 51740
(B) of this section shall be credited to ~~the local government fund~~ 51741

~~for distribution in accordance with section 5747.50 of the Revised Code, six tenths of one per cent shall be credited to the local government revenue assistance fund for distribution in accordance with section 5747.61 of the Revised Code, and ninety five and two tenths per cent shall be credited to the general revenue fund.~~

(B)(1) In any case where any county or transit authority has levied a tax or taxes pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month, determine and certify to the director of budget and management the amount of the proceeds of such tax or taxes received during that month from billings and assessments, or associated with tax returns or reports filed during that month, to be returned to the county or transit authority levying the tax or taxes. The amount to be returned to each county and transit authority shall be a fraction of the aggregate amount of money collected with respect to each area in which one or more of such taxes are concurrently in effect with the tax levied by section 5739.02 of the Revised Code. The numerator of the fraction is the rate of the tax levied by the county or transit authority and the denominator of the fraction is the aggregate rate of such taxes applicable to such area. The amount to be returned to each county or transit authority shall be reduced by the amount of any refunds of county or transit authority tax paid pursuant to section 5739.07 of the Revised Code during the same month, or transfers made pursuant to division (B)(2) of section 5703.052 of the Revised Code.

(2) On a periodic basis, using the best information available, the tax commissioner shall distribute any amount of a county or transit authority tax that cannot be distributed under division (B)(1) of this section. Through audit or other means, the commissioner shall attempt to obtain the information necessary to

make the distribution as provided under that division and, on 51774
receipt of that information, shall make adjustments to 51775
distributions previously made under this division. 51776

(C) The aggregate amount to be returned to any county or 51777
transit authority shall be reduced by one per cent, which shall be 51778
certified directly to the credit of the local sales tax 51779
administrative fund, which is hereby created in the state 51780
treasury. For the purpose of determining the amount to be returned 51781
to a county and transit authority in which the rate of tax imposed 51782
by the transit authority has been reduced under section 5739.028 51783
of the Revised Code, the tax commissioner shall use the respective 51784
rates of tax imposed by the county or transit authority that 51785
results from the change in the rates authorized under that 51786
section. 51787

(D) The director of budget and management shall transfer, 51788
from the same funds and in the same proportions specified in 51789
division (A) of this section, to the permissive tax distribution 51790
fund created by division (B)(1) of section 4301.423 of the Revised 51791
Code and to the local sales tax administrative fund, the amounts 51792
certified by the tax commissioner. The tax commissioner shall 51793
then, on or before the twentieth day of the month in which such 51794
certification is made, provide for payment of such respective 51795
amounts to the county treasurer and to the fiscal officer of the 51796
transit authority levying the tax or taxes. The amount transferred 51797
to the local sales tax administrative fund is for use by the tax 51798
commissioner in defraying costs incurred in administering such 51799
taxes levied by a county or transit authority. 51800

Sec. 5739.213. Notwithstanding section 5739.21 or 5741.03 of 51801
the Revised Code, of the revenue collected from the tax due under 51802
division (A) of section 5739.029 of the Revised Code, an amount 51803
equal to one-half per cent of the price of each transaction 51804

subject to taxation under that division shall be distributed to 51805
the county where the sale is sitused as provided in section 51806
5739.035 of the Revised Code. The amount to be so distributed to 51807
each county shall be credited to the funds of the county as 51808
provided by divisions (A) and (B) of section 5739.211 of the 51809
Revised Code. 51810

Sec. 5741.02. (A)(1) For the use of the general revenue fund 51811
of the state, an excise tax is hereby levied on the storage, use, 51812
or other consumption in this state of tangible personal property 51813
or the benefit realized in this state of any service provided. The 51814
tax shall be collected as provided in section 5739.025 of the 51815
Revised Code, provided that on and after July 1, 2003, and on or 51816
before June 30, 2005, the rate of the tax shall be six per cent. 51817
On and after July 1, 2005, the rate of the tax shall be five and 51818
one-half per cent. 51819

(2) In the case of the lease or rental, with a fixed term of 51820
more than thirty days or an indefinite term with a minimum period 51821
of more than thirty days, of any motor vehicles designed by the 51822
manufacturer to carry a load of not more than one ton, watercraft, 51823
outboard motor, or aircraft, or of any tangible personal property, 51824
other than motor vehicles designed by the manufacturer to carry a 51825
load of more than one ton, to be used by the lessee or renter 51826
primarily for business purposes, the tax shall be collected by the 51827
seller at the time the lease or rental is consummated and shall be 51828
calculated by the seller on the basis of the total amount to be 51829
paid by the lessee or renter under the lease or rental agreement. 51830
If the total amount of the consideration for the lease or rental 51831
includes amounts that are not calculated at the time the lease or 51832
rental is executed, the tax shall be calculated and collected by 51833
the seller at the time such amounts are billed to the lessee or 51834
renter. In the case of an open-end lease or rental, the tax shall 51835
be calculated by the seller on the basis of the total amount to be 51836

paid during the initial fixed term of the lease or rental, and for 51837
each subsequent renewal period as it comes due. As used in this 51838
division, "motor vehicle" has the same meaning as in section 51839
4501.01 of the Revised Code, and "watercraft" includes an outdrive 51840
unit attached to the watercraft. 51841

(3) Except as provided in division (A)(2) of this section, in 51842
the case of a transaction, the price of which consists in whole or 51843
part of the lease or rental of tangible personal property, the tax 51844
shall be measured by the installments of those leases or rentals. 51845

(B) Each consumer, storing, using, or otherwise consuming in 51846
this state tangible personal property or realizing in this state 51847
the benefit of any service provided, shall be liable for the tax, 51848
and such liability shall not be extinguished until the tax has 51849
been paid to this state; provided, that the consumer shall be 51850
relieved from further liability for the tax if the tax has been 51851
paid to a seller in accordance with section 5741.04 of the Revised 51852
Code or prepaid by the seller in accordance with section 5741.06 51853
of the Revised Code. 51854

(C) The tax does not apply to the storage, use, or 51855
consumption in this state of the following described tangible 51856
personal property or services, nor to the storage, use, or 51857
consumption or benefit in this state of tangible personal property 51858
or services purchased under the following described circumstances: 51859

(1) When the sale of property or service in this state is 51860
subject to the excise tax imposed by sections 5739.01 to 5739.31 51861
of the Revised Code, provided said tax has been paid; 51862

(2) Except as provided in division (D) of this section, 51863
tangible personal property or services, the acquisition of which, 51864
if made in Ohio, would be a sale not subject to the tax imposed by 51865
sections 5739.01 to 5739.31 of the Revised Code; 51866

(3) Property or services, the storage, use, or other 51867

consumption of or benefit from which this state is prohibited from 51868
taxing by the Constitution of the United States, laws of the 51869
United States, or the Constitution of this state. This exemption 51870
shall not exempt from the application of the tax imposed by this 51871
section the storage, use, or consumption of tangible personal 51872
property that was purchased in interstate commerce, but that has 51873
come to rest in this state, provided that fuel to be used or 51874
transported in carrying on interstate commerce that is stopped 51875
within this state pending transfer from one conveyance to another 51876
is exempt from the excise tax imposed by this section and section 51877
5739.02 of the Revised Code; 51878

(4) Transient use of tangible personal property in this state 51879
by a nonresident tourist or vacationer, or a nonbusiness use 51880
within this state by a nonresident of this state, if the property 51881
so used was purchased outside this state for use outside this 51882
state and is not required to be registered or licensed under the 51883
laws of this state; 51884

(5) Tangible personal property or services rendered, upon 51885
which taxes have been paid to another jurisdiction to the extent 51886
of the amount of the tax paid to such other jurisdiction. Where 51887
the amount of the tax imposed by this section and imposed pursuant 51888
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 51889
exceeds the amount paid to another jurisdiction, the difference 51890
shall be allocated between the tax imposed by this section and any 51891
tax imposed by a county or a transit authority pursuant to section 51892
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 51893
to the respective rates of such taxes. 51894

As used in this subdivision, "taxes paid to another 51895
jurisdiction" means the total amount of retail sales or use tax or 51896
similar tax based upon the sale, purchase, or use of tangible 51897
personal property or services rendered legally, levied by and paid 51898
to another state or political subdivision thereof, or to the 51899

District of Columbia, where the payment of such tax does not 51900
entitle the taxpayer to any refund or credit for such payment. 51901

(6) The transfer of a used manufactured home or used mobile 51902
home, as defined by section 5739.0210 of the Revised Code, made on 51903
or after January 1, 2000; 51904

(7) Drugs that are or are intended to be distributed free of 51905
charge to a practitioner licensed to prescribe, dispense, and 51906
administer drugs to a human being in the course of a professional 51907
practice and that by law may be dispensed only by or upon the 51908
order of such a practitioner. 51909

(8) Computer equipment and related software leased from a 51910
lessor located outside this state and initially received in this 51911
state on behalf of the consumer by a third party that will retain 51912
possession of such property for not more than ninety days and that 51913
will, within that ninety-day period, deliver such property to the 51914
consumer at a location outside this state. Division (C)(8) of this 51915
section does not provide exemption from taxation for any otherwise 51916
taxable charges associated with such property while it is in this 51917
state or for any subsequent storage, use, or consumption of such 51918
property in this state by or on behalf of the consumer. 51919

~~(9) Cigarettes that have a wholesale value of three hundred 51920
dollars or less used, stored, or consumed, but not for resale, in 51921
any month. 51922~~

~~(10) Tangible personal property held for sale by a person but 51923
not for that person's own use and donated by that person, without 51924
charge or other compensation, to either of the following: 51925~~

~~(a) A nonprofit organization operated exclusively for 51926
charitable purposes in this state, no part of the net income of 51927
which inures to the benefit of any private shareholder or 51928
individual and no substantial part of the activities of which 51929
consists of carrying on propaganda or otherwise attempting to 51930~~

influence legislation; or 51931

(b) This state or any political subdivision of this state, 51932
but only if donated for exclusively public purposes. 51933

For the purposes of division (C)(10) of this section, 51934
"charitable purposes" has the same meaning as in division (B)(12) 51935
of section 5739.02 of the Revised Code. 51936

(D) The tax applies to the storage, use, or other consumption 51937
in this state of tangible personal property or services, the 51938
acquisition of which at the time of sale was excepted under 51939
division (E) of section 5739.01 of the Revised Code from the tax 51940
imposed by section 5739.02 of the Revised Code, but which has 51941
subsequently been temporarily or permanently stored, used, or 51942
otherwise consumed in a taxable manner. 51943

(E)(1)(a) If any transaction is claimed to be exempt under 51944
division (E) of section 5739.01 of the Revised Code or under 51945
section 5739.02 of the Revised Code, with the exception of 51946
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 51947
Code, the consumer shall provide to the seller, and the seller 51948
shall obtain from the consumer, a certificate specifying the 51949
reason that the transaction is not subject to the tax. The 51950
certificate shall be in such form, and shall be provided either in 51951
a hard copy form or electronic form, as the tax commissioner 51952
prescribes. 51953

(b) A seller that obtains a fully completed exemption 51954
certificate from a consumer is relieved of liability for 51955
collecting and remitting tax on any sale covered by that 51956
certificate. If it is determined the exemption was improperly 51957
claimed, the consumer shall be liable for any tax due on that sale 51958
under this chapter. Relief under this division from liability does 51959
not apply to any of the following: 51960

(i) A seller that fraudulently fails to collect tax; 51961

(ii) A seller that solicits consumers to participate in the unlawful claim of an exemption;	51962 51963
(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;	51964 51965 51966 51967 51968 51969 51970 51971
(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.	51972 51973 51974 51975 51976
(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.	51977 51978 51979
(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 establishing that the transaction is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.	51980 51981 51982 51983 51984 51985 51986 51987
(4) If a transaction is claimed to be exempt under division (B)(13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an exemption certificate provided by the contractor to the seller. A	51988 51989 51990 51991 51992

contractee that provides a certification under this division shall 51993
be deemed to be the consumer of all items purchased by the 51994
contractor under the claim of exemption, if it is subsequently 51995
determined that the exemption is not properly claimed. The 51996
certification shall be in such form as the tax commissioner 51997
prescribes. 51998

(F) A seller who files a petition for reassessment contesting 51999
the assessment of tax on transactions for which the seller 52000
obtained no valid exemption certificates, and for which the seller 52001
failed to establish that the transactions were not subject to the 52002
tax during the one-hundred-twenty-day period allowed under 52003
division (E) of this section, may present to the tax commissioner 52004
additional evidence to prove that the transactions were exempt. 52005
The seller shall file such evidence within ninety days of the 52006
receipt by the seller of the notice of assessment, except that, 52007
upon application and for reasonable cause, the tax commissioner 52008
may extend the period for submitting such evidence thirty days. 52009

(G) For the purpose of the proper administration of sections 52010
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 52011
of the tax hereby levied, it shall be presumed that any use, 52012
storage, or other consumption of tangible personal property in 52013
this state is subject to the tax until the contrary is 52014
established. 52015

(H) The tax collected by the seller from the consumer under 52016
this chapter is not part of the price, but is a tax collection for 52017
the benefit of the state, and of counties levying an additional 52018
use tax pursuant to section 5741.021 or 5741.023 of the Revised 52019
Code and of transit authorities levying an additional use tax 52020
pursuant to section 5741.022 of the Revised Code. Except for the 52021
discount authorized under section 5741.12 of the Revised Code and 52022
the effects of any rounding pursuant to section 5703.055 of the 52023
Revised Code, no person other than the state or such a county or 52024

transit authority shall derive any benefit from the collection of 52025
such tax. 52026

Sec. 5741.03. (A) ~~Four and two tenths~~ One hundred per cent of 52027
all money deposited into the state treasury under sections 5741.01 52028
to 5741.22 of the Revised Code that is not required to be 52029
distributed as provided in division (B) of this section shall be 52030
credited to ~~the local government fund for distribution in~~ 52031
~~accordance with section 5747.50 of the Revised Code, six tenths of~~ 52032
~~one per cent shall be credited to the local government revenue~~ 52033
~~assistance fund for distribution in accordance with section~~ 52034
~~5747.61 of the Revised Code, and ninety five and two tenths per~~ 52035
~~cent shall be credited to the general revenue fund.~~ 52036

(B) In any case where any county or transit authority has 52037
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 52038
5741.023 of the Revised Code, the tax commissioner shall, within 52039
forty-five days after the end of each month, determine and certify 52040
to the director of budget and management the amount of the 52041
proceeds of such tax or taxes from billings and assessments 52042
received during that month, or shown on tax returns or reports 52043
filed during that month, to be returned to the county or transit 52044
authority levying the tax or taxes, which amounts shall be 52045
determined in the manner provided in section 5739.21 of the 52046
Revised Code. The director of budget and management shall 52047
transfer, from the same funds and in the same proportions 52048
specified in division (A) of this section, to the permissive tax 52049
distribution fund created by division (B)(1) of section 4301.423 52050
of the Revised Code and to the local sales tax administrative fund 52051
created by division ~~(B)~~(C) of section 5739.21 of the Revised Code, 52052
the amounts certified by the tax commissioner. The tax 52053
commissioner shall then, on or before the twentieth day of the 52054
month in which such certification is made, provide for payment of 52055
such respective amounts to the county treasurer or to the fiscal 52056

officer of the transit authority levying the tax or taxes. The 52057
amount transferred to the local sales tax administrative fund is 52058
for use by the tax commissioner in defraying costs the 52059
commissioner incurs in administering such taxes levied by a county 52060
or transit authority. 52061

Sec. 5741.121. (A) If the total amount of tax required to be 52062
paid by a seller or consumer under section 5741.12 of the Revised 52063
Code for any year equals or exceeds seventy-five thousand dollars, 52064
the seller or consumer shall remit each monthly tax payment in the 52065
second ensuing and each succeeding year by electronic funds 52066
transfer as prescribed by division (B) of this section. 52067

If a seller's or consumer's tax payment for each of two 52068
consecutive years is less than seventy-five thousand dollars, the 52069
seller or consumer is relieved of the requirement to remit taxes 52070
by electronic funds transfer for the year that next follows the 52071
second of the consecutive years in which the tax payment is less 52072
than that amount, and is relieved of that requirement for each 52073
succeeding year, unless the tax payment in a subsequent year 52074
equals or exceeds seventy-five thousand dollars. 52075

The tax commissioner shall notify each seller or consumer 52076
required to remit taxes by electronic funds transfer of the 52077
seller's or consumer's obligation to do so, shall maintain an 52078
updated list of those sellers and consumers, and shall timely 52079
certify the list and any additions thereto or deletions therefrom 52080
to the treasurer of state. Failure by the tax commissioner to 52081
notify a seller or consumer subject to this section to remit taxes 52082
by electronic funds transfer does not relieve the seller or 52083
consumer of the obligation to remit taxes by electronic funds 52084
transfer. 52085

(B) Sellers and consumers required by division (A) of this 52086
section to remit payments by electronic funds transfer shall remit 52087

such payments to the treasurer of state in the manner prescribed 52088
by this section and rules adopted by the treasurer of state under 52089
section 113.061 of the Revised Code, and ~~on or before the~~ 52090
~~following dates as follows:~~ 52091

~~(1)(a) On or before the fifteenth day of each month, a seller 52092
shall remit an amount equal to the taxes collected during the 52093
first eleven days of the month. On or before the twenty-fifth day 52094
of each month, a seller shall remit an amount equal to the taxes 52095
collected on the twelfth through the twenty-first day of the 52096
month. 52097~~

~~(b) In lieu of remitting the actual amounts collected for the 52098
periods specified in division (B)(1)(a) of this section, a seller 52099
may, on or before each of the fifteenth and twenty-fifth days of 52100
each month, remit an amount equal to thirty-seven and one-half per 52101
cent of the seller's total tax liability for the same month in the 52102
preceding calendar year. 52103~~

~~(2) On or before each of the fifteenth and twenty-fifth days 52104
of each month, a consumer shall remit an amount equal to 52105
thirty-seven and one-half per cent of the consumer's total tax 52106
liability for the same month in the preceding calendar year. 52107~~

~~(3) On or before the twenty-third day of each month, a seller 52108
or consumer shall remit an amount equal to seventy-five per cent 52109
of the anticipated tax liability for that month. 52110~~

(2) On or before the twenty-third day of each month, a seller 52111
shall report the taxes collected and a consumer shall report the 52112
taxes due for the previous month and shall remit that amount, less 52113
any amounts paid for that month as required by division (B)(1)~~(a)~~ 52114
~~or (b) or (B)(2)~~ of this section. 52115

The payment of taxes by electronic funds transfer does not 52116
affect a seller's or consumer's obligation to file the monthly 52117
return as required under section 5741.12 of the Revised Code. 52118

(C) A seller or consumer required by this section to remit 52119
taxes by electronic funds transfer may apply to the treasurer of 52120
state in the manner prescribed by the treasurer of state to be 52121
excused from that requirement. The treasurer of state may excuse 52122
the seller or consumer from remittance by electronic funds 52123
transfer for good cause shown for the period of time requested by 52124
the seller or consumer or for a portion of that period. The 52125
treasurer of state shall notify the tax commissioner and the 52126
seller or consumer of the treasurer of state's decision as soon as 52127
is practicable. 52128

(D)(1)(a) If a seller or consumer that is required to remit 52129
payments under division (B) of this section fails to make a 52130
payment, or makes a payment under division (B)(1) of this section 52131
that is less than seventy-five per cent of the actual liability 52132
for that month, the commissioner may impose an additional charge 52133
not to exceed five per cent of that unpaid amount. 52134

(b) Division (D)(1)(a) of this section does not apply if the 52135
seller's or consumer's payment under division (B)(1) of this 52136
section is equal to or greater than seventy-five per cent of the 52137
seller's or consumer's reported liability for the same month in 52138
the immediately preceding calendar year. 52139

(2) If a seller or consumer required by this section to remit 52140
taxes by electronic funds transfer remits those taxes by some 52141
means other than by electronic funds transfer as prescribed by the 52142
rules adopted by the treasurer of state, and the treasurer of 52143
state determines that such failure was not due to reasonable cause 52144
or was due to willful neglect, the treasurer of state shall notify 52145
the tax commissioner of the failure to remit by electronic funds 52146
transfer and shall provide the commissioner with any information 52147
used in making that determination. The tax commissioner may impose 52148
an additional charge not to exceed the lesser of five per cent of 52149
the amount of the taxes required to be paid by electronic funds 52150

transfer or five thousand dollars. 52151

(3) Any additional charge imposed under this section is in 52152
addition to any other penalty or charge imposed under this 52153
chapter, and shall be considered as revenue arising from taxes 52154
imposed under this chapter. An additional charge may be collected 52155
by assessment in the manner prescribed by section 5741.13 of the 52156
Revised Code. The tax commissioner may waive all or a portion of 52157
such a charge and may adopt rules governing such waiver. 52158

No additional charge shall be imposed under division (D)(2) 52159
of this section against a seller or consumer that has been 52160
notified of the obligation to remit taxes under this section and 52161
that remits its first two tax payments after such notification by 52162
some means other than electronic funds transfer. The additional 52163
charge may be imposed upon the remittance of any subsequent tax 52164
payment that the seller or consumer remits by some means other 52165
than electronic funds transfer. 52166

Sec. 5741.122. (A) If required by the tax commissioner, a 52167
person required to make payments by electronic funds transfer 52168
under section 5739.032 or 5741.121 of the Revised Code shall file 52169
all returns and reports electronically. The commissioner may 52170
require the person to use the Ohio business gateway, as defined in 52171
section 718.051 of the Revised Code, or any other electronic 52172
means, to file the returns and reports, or to remit the tax, in 52173
lieu of the manner prescribed by the treasurer of state under 52174
sections 5739.032 and 5741.121 of the Revised Code. 52175

(B) A person required under this section to file reports and 52176
returns electronically may apply to the commissioner to be excused 52177
from that requirement. Applications shall be made on a form 52178
prescribed by the commissioner. The commissioner may approve the 52179
application for good cause. 52180

(C)(1) If a person required to file a report or return 52181

electronically under this section fails to do so, the commissioner 52182
may impose an additional charge not to exceed the following: 52183

(a) For each of the first two failures, five per cent of the 52184
amount required to be reported on the report or return; 52185

(b) For the third and any subsequent failure, ten per cent of 52186
the amount required to be reported on the report or return. 52187

(2) The charges authorized under division (C)(1) of this 52188
section are in addition to any other charge or penalty authorized 52189
under this chapter, and shall be considered as revenue arising 52190
from taxes imposed under this chapter. An additional charge may be 52191
collected by assessment in the manner prescribed by section 52192
5741.13 of the Revised Code. The commissioner may waive all or a 52193
portion of such a charge and may adopt rules governing such 52194
waiver. 52195

Sec. 5743.01. As used in this chapter: 52196

(A) "Person" includes individuals, firms, partnerships, 52197
associations, joint-stock companies, corporations, combinations of 52198
individuals of any form, and the state and any of its political 52199
subdivisions. 52200

(B) "Wholesale dealer" includes only those persons: 52201

(1) Who bring in or cause to be brought into this state 52202
unstamped cigarettes purchased directly from the manufacturer, 52203
producer, or importer of cigarettes for sale in this state but 52204
does not include persons who bring in or cause to be brought into 52205
this state cigarettes with respect to which no evidence of tax 52206
payment is required thereon as provided in section 5743.04 of the 52207
Revised Code; or 52208

(2) Who are engaged in the business of selling cigarettes or 52209
tobacco products to others for the purpose of resale. 52210

"Wholesale dealer" does not include any cigarette 52211

manufacturer, export warehouse proprietor, or importer with a 52212
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 52213
in this state only to wholesale dealers holding valid and current 52214
licenses under section 5743.15 of the Revised Code or to an export 52215
warehouse proprietor or another manufacturer. 52216

(C) "Retail dealer" includes: 52217

(1) In reference to dealers in cigarettes, every person other 52218
than a wholesale dealer engaged in the business of selling 52219
cigarettes in this state, regardless of whether the person is 52220
located in this state or elsewhere, and regardless of quantity, 52221
amount, or number of sales; 52222

(2) In reference to dealers in tobacco products, any person 52223
in this state engaged in the business of selling tobacco products 52224
to ultimate consumers in this state, regardless of quantity, 52225
amount, or number of sales. 52226

(D) "Sale" includes exchange, barter, gift, offer for sale, 52227
and distribution, and includes transactions in interstate or 52228
foreign commerce. 52229

(E) "Cigarettes" includes any roll for smoking made wholly or 52230
in part of tobacco, irrespective of size or shape, and whether or 52231
not such tobacco is flavored, adulterated, or mixed with any other 52232
ingredient, the wrapper or cover of which is made of paper, 52233
reconstituted cigarette tobacco, homogenized cigarette tobacco, 52234
cigarette tobacco sheet, or any similar materials other than cigar 52235
tobacco. 52236

(F) "Package" means the individual package, box, or other 52237
container in or from which retail sales of cigarettes are normally 52238
made or intended to be made. 52239

(G) "Stamp" includes an impression made by a metering device 52240
as provided for in section 5743.04 of the Revised Code. 52241

(H) "Storage" includes any keeping or retention of cigarettes	52242
or tobacco products for use or consumption in this state.	52243
(I) "Use" includes the exercise of any right or power	52244
incidental to the ownership of cigarettes or tobacco products.	52245
(J) "Tobacco product" <u>or "other tobacco product"</u> means any	52246
product made from tobacco, other than cigarettes, that is made for	52247
smoking or chewing, or both, and snuff.	52248
(K) "Wholesale price" means the invoice price, including all	52249
federal excise taxes, at which the manufacturer of the tobacco	52250
product sells the tobacco product to unaffiliated distributors,	52251
excluding any discounts based on the method of payment of the	52252
invoice or on time of payment of the invoice. If the taxpayer buys	52253
from other than a manufacturer, "wholesale price" means the	52254
invoice price, including all federal excise taxes and excluding	52255
any discounts based on the method of payment of the invoice or on	52256
time of payment of the invoice.	52257
(L) "Distributor" means:	52258
(1) Any manufacturer who sells, barter, exchanges, or	52259
distributes tobacco products to a retail dealer in the state,	52260
except when selling to a retail dealer that has filed with the	52261
manufacturer a signed statement agreeing to pay and be liable for	52262
the tax imposed by section 5743.51 of the Revised Code;	52263
(2) Any wholesale dealer located in the state who receives	52264
tobacco products from a manufacturer, or who receives tobacco	52265
products on which the tax imposed by this chapter has not been	52266
paid;	52267
(3) Any wholesale dealer located outside the state who sells,	52268
barter, exchanges, or distributes tobacco products to a wholesale	52269
or retail dealer in the state; or	52270
(4) Any retail dealer who receives tobacco products on which	52271

the tax has not or will not be paid by another distributor, 52272
including a retail dealer that has filed a signed statement with a 52273
manufacturer in which the retail dealer agrees to pay and be 52274
liable for the tax that would otherwise be imposed on the 52275
manufacturer by section 5743.51 of the Revised Code. 52276

(M) "Taxpayer" means any person liable for the tax imposed by 52277
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 52278

(N) "Seller" means any person located outside this state 52279
engaged in the business of selling tobacco products to consumers 52280
for storage, use, or other consumption in this state. 52281

(O) "Manufacturer" means any person who manufactures and 52282
sells cigarettes or tobacco products. 52283

(P) "Importer" means any person that ~~imports~~ is authorized, 52284
under a valid permit issued under Section 5713 of the Internal 52285
Revenue Code, to import finished cigarettes into the United 52286
States, either directly or indirectly. 52287

Sec. 5743.20. No person shall sell any cigarettes both as a 52288
retail dealer and as a wholesale dealer at the same place of 52289
business. No person other than a licensed wholesale dealer shall 52290
sell cigarettes to a licensed retail dealer. No retail dealer 52291
shall purchase cigarettes from any person other than a licensed 52292
wholesale dealer. 52293

Subject to section 5743.031 of the Revised Code, a licensed 52294
wholesale dealer may not sell cigarettes to any person in this 52295
state other than a licensed retail dealer, except a licensed 52296
wholesale dealer may sell cigarettes to another licensed wholesale 52297
dealer if the tax commissioner has authorized the sale of the 52298
cigarettes between those wholesale dealers and the wholesale 52299
dealer that sells the cigarettes received them directly from a 52300
licensed manufacturer or licensed importer. 52301

The tax commissioner shall adopt rules governing sales of 52302
cigarettes between licensed wholesale dealers, including rules 52303
establishing criteria for authorizing such sales. 52304

No manufacturer or importer shall sell cigarettes to any 52305
person in this state other than to a licensed wholesale dealer or 52306
licensed importer. No importer shall purchase cigarettes from any 52307
person other than a licensed manufacturer or licensed importer. 52308

A retail dealer may purchase other tobacco products only from 52309
a licensed distributor. A licensed distributor may sell tobacco 52310
products only to a retail dealer, except a licensed distributor 52311
may sell tobacco products to another licensed distributor if the 52312
tax commissioner has authorized the sale of the tobacco products 52313
between those distributors and the distributor that sells the 52314
tobacco products received them directly from a manufacturer or 52315
importer of tobacco products. 52316

The tax commissioner may adopt rules governing sales of 52317
tobacco products between licensed distributors, including rules 52318
establishing criteria for authorizing such sales. 52319

The identities of ~~licensed distributors~~ cigarette 52320
manufacturers and importers, licensed cigarette wholesalers, 52321
licensed distributors of other tobacco products, and registered 52322
manufacturers, importers, and brokers of other tobacco products 52323
are subject to public disclosure. The tax commissioner shall 52324
maintain an alphabetical list of all such ~~distributors~~ 52325
manufacturers, importers, wholesalers, distributors, and brokers, 52326
shall post the list on a web site accessible to the public through 52327
the internet, and shall periodically update the web site posting. 52328

As used in this section, "licensed" means the manufacturer, 52329
importer, wholesale dealer, ~~retail dealer,~~ or distributor holds a 52330
current and valid license issued under section 5743.15 or 5743.61 52331
of the Revised Code, and "registered" means registered with the 52332

tax commissioner under section 5743.66 of the Revised Code. 52333

Sec. 5745.02. (A) The annual report filed under section 52334
5745.03 of the Revised Code determines a taxpayer's Ohio net 52335
income and the portion of Ohio net income to be apportioned to a 52336
municipal corporation. 52337

(B) A taxpayer's Ohio net income is determined by multiplying 52338
the taxpayer's adjusted federal taxable income by the sum of the 52339
property factor multiplied by one-third, the payroll factor 52340
multiplied by one-third, and the sales factor multiplied by 52341
one-third. If the denominator of one of the factors is zero, the 52342
remaining two factors each shall be multiplied by one-half instead 52343
of one-third; if the denominator of two of the factors is zero, 52344
the remaining factor shall be multiplied by one. The property, 52345
payroll, and sales factors shall be determined in the manner 52346
prescribed by divisions (B)(1), (2), and (3) of this section. 52347

(1) The property factor is a fraction, the numerator of which 52348
is the average value of the taxpayer's real and tangible personal 52349
property owned or rented, and used in business in this state 52350
during the taxable year, and the denominator of which is the 52351
average value of all the taxpayer's real and tangible personal 52352
property owned or rented, and used in business everywhere during 52353
such year. Property owned by the taxpayer is valued at its 52354
original cost. Property rented by the taxpayer is valued at eight 52355
times the net annual rental rate. "Net annual rental rate" means 52356
the annual rental rate paid by the taxpayer less any annual rental 52357
rate received by the taxpayer from subrentals. The average value 52358
of property shall be determined by averaging the values at the 52359
beginning and the end of the taxable year, but the tax 52360
commissioner may require the averaging of monthly values during 52361
the taxable year, if reasonably required to reflect properly the 52362
average value of the taxpayer's property. 52363

(2) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the taxable year by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere by the taxpayer during such year. Compensation means any form of remuneration paid to an employee for personal services. Compensation is paid in this state if: (a) the recipient's service is performed entirely within this state, (b) the recipient's service is performed both within and without this state, but the service performed without this state is incidental to the recipient's service within this state, or (c) some of the service is performed within this state and either the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within this state, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the recipient's residence is in this state.

(3) The sales factor is a fraction, the numerator of which is the total sales in this state by the taxpayer during the taxable year, and the denominator of which is the total sales by the taxpayer everywhere during such year. Sales of electricity shall be situated to this state in the manner provided under section 5733.059 of the Revised Code. In determining the numerator and denominator of the sales factor, receipts from the sale or other disposal of a capital asset or an asset described in section 1231 of the Internal Revenue Code shall be eliminated. Also, in determining the numerator and denominator of the sales factor, in the case of a reporting taxpayer owning at least eighty per cent of the issued and outstanding common stock of one or more insurance companies or public utilities, except an electric company, a combined company, or a telephone company, or owning at least twenty-five per cent of the issued and outstanding common stock of one or more financial institutions, receipts received by

the reporting taxpayer from such utilities, insurance companies, 52397
and financial institutions shall be eliminated. 52398

For the purpose of division (B)(3) of this section, sales of 52399
tangible personal property are in this state where such property 52400
is received in this state by the purchaser. In the case of 52401
delivery of tangible personal property by common carrier or by 52402
other means of transportation, the place at which such property is 52403
ultimately received after all transportation has been completed 52404
shall be considered as the place at which such property is 52405
received by the purchaser. Direct delivery in this state, other 52406
than for purposes of transportation, to a person or firm 52407
designated by a purchaser constitutes delivery to the purchaser in 52408
this state, and direct delivery outside this state to a person or 52409
firm designated by a purchaser does not constitute delivery to the 52410
purchaser in this state, regardless of where title passes or other 52411
conditions of sale. 52412

Sales, other than sales of electricity or tangible personal 52413
property, are in this state if either the income-producing 52414
activity is performed solely in this state, or the 52415
income-producing activity is performed both within and without 52416
this state and a greater proportion of the income-producing 52417
activity is performed within this state than in any other state, 52418
based on costs of performance. 52419

For the purposes of division (B)(3) of this section, the tax 52420
commissioner may adopt rules to apportion sales within this state. 52421

(C) The portion of a taxpayer's Ohio net income taxable by 52422
each municipal corporation imposing an income tax shall be 52423
determined by multiplying the taxpayer's Ohio net income by the 52424
sum of the municipal property factor multiplied by one-third, the 52425
municipal payroll factor multiplied by one-third, and the 52426
municipal sales factor multiplied by one-third, and subtracting 52427
from the product so obtained any "municipal net operating loss 52428

carryforward from prior taxable years." If the denominator of one 52429
of the factors is zero, the remaining two factors each shall be 52430
multiplied by one-half instead of one-third; if the denominator of 52431
two of the factors is zero, the remaining factor shall be 52432
multiplied by one. In calculating the "municipal net operating 52433
loss carryforward from prior taxable years" for each municipal 52434
corporation, net operating losses are apportioned in and out of a 52435
municipal corporation for the taxable year in which the net 52436
operating loss occurs in the same manner that positive net income 52437
would have been so apportioned. Any net operating loss for a 52438
municipal corporation may be applied to subsequent net income in 52439
that municipal corporation to reduce that income to zero or until 52440
the net operating loss has been fully used as a deduction. The 52441
unused portion of net operating losses for each taxable year 52442
apportioned to a municipal corporation may only be applied against 52443
the income apportioned to that municipal corporation for five 52444
subsequent taxable years. Net operating losses occurring in 52445
taxable years ending before 2002 may not be subtracted under this 52446
section. 52447

A taxpayer's municipal property, municipal payroll, and 52448
municipal sales factors for a municipal corporation shall be 52449
determined as provided in divisions (C)(1), (2), and (3) of this 52450
section. 52451

(1) The municipal property factor is the quotient obtained by 52452
dividing (a) the average value of real and tangible personal 52453
property owned or rented by the taxpayer and used in business in 52454
the municipal corporation during the taxable year by (b) the 52455
average value of all of the taxpayer's real and tangible personal 52456
property owned or rented and used in business during that taxable 52457
year in this state. The value and average value of such property 52458
shall be determined in the same manner provided in division (B)(1) 52459
of this section. 52460

(2) The municipal payroll factor is the quotient obtained by 52461
dividing (a) the total amount of compensation earned in the 52462
municipal corporation by the taxpayer's employees during the 52463
taxable year for services performed for the taxpayer and that is 52464
subject to income tax withholding by the municipal corporation by 52465
(b) the total amount of compensation paid by the taxpayer to its 52466
employees in this state during the taxable year. Compensation has 52467
the same meaning as in division (B)(2) of this section. 52468

(3) The municipal sales factor is a fraction, the numerator 52469
of which is the taxpayer's total sales in a municipal corporation 52470
during the taxable year, and the denominator of which is the 52471
taxpayer's total sales in this state during such year. 52472

For the purpose of division (C)(3) of this section, sales of 52473
tangible personal property are in the municipal corporation where 52474
such property is received in the municipal corporation by the 52475
purchaser. Sales of electricity directly to the ~~consumer~~ customer, 52476
as defined in section 5733.059 of the Revised Code, shall be 52477
considered sales of tangible personal property. In the case of the 52478
delivery of tangible personal property by common carrier or by 52479
other means of transportation, the place at which such property 52480
ultimately is received after all transportation has been completed 52481
shall be considered as the place at which the property is received 52482
by the purchaser. Direct delivery in the municipal corporation, 52483
other than for purposes of transportation, to a person or firm 52484
designated by a purchaser constitutes delivery to the purchaser in 52485
that municipal corporation, and direct delivery outside the 52486
municipal corporation to a person or firm designated by a 52487
purchaser does not constitute delivery to the purchaser in that 52488
municipal corporation, regardless of where title passes or other 52489
conditions of sale. Sales, other than sales of tangible personal 52490
property, are in the municipal corporation if either: 52491

(a) The income-producing activity is performed solely in the 52492

municipal corporation; 52493

(b) The income-producing activity is performed both within 52494
and without the municipal corporation and a greater proportion of 52495
the income-producing activity is performed within that municipal 52496
corporation than any other location in this state, based on costs 52497
of performance. 52498

For the purposes of division (C)(3) of this section, the tax 52499
commissioner may adopt rules to apportion sales within each 52500
municipal corporation. 52501

(D) If a taxpayer is a combined company as defined in section 52502
5727.01 of the Revised Code, the municipal property, payroll, and 52503
sales factors under division (C) of this section shall be adjusted 52504
as follows: 52505

(1) The numerator of the municipal property factor shall 52506
include only the value, as determined under division (C)(1) of 52507
this section, of the company's real and tangible property in the 52508
municipal corporation attributed to the company's activity as an 52509
electric company using the same methodology prescribed under 52510
section 5727.03 of the Revised Code for taxable tangible personal 52511
property. 52512

(2) The numerator of the municipal payroll factor shall 52513
include only compensation paid in the municipal corporation by the 52514
company to its employees for personal services rendered in the 52515
company's activity as an electric company. 52516

(3) The numerator of the municipal sales factor shall include 52517
only the sales of tangible personal property and services, as 52518
determined under division (C)(3) of this section, made in the 52519
municipal corporation in the course of the company's activity as 52520
an electric company. 52521

(E)(1) If the provisions for apportioning adjusted federal 52522
taxable income or Ohio net income under divisions (B), (C), and 52523

(D) of this section do not fairly represent business activity in 52524
this state or among municipal corporations, the tax commissioner 52525
may adopt rules for apportioning such income by an alternative 52526
method that fairly represents business activity in this state or 52527
among municipal corporations. 52528

(2) If any of the factors determined under division (B), (C), 52529
or (D) of this section does not fairly represent the extent of a 52530
taxpayer's business activity in this state or among municipal 52531
corporations, the taxpayer may request, or the tax commissioner 52532
may require, that the taxpayer's adjusted federal taxable income 52533
or Ohio net income be determined by an alternative method, 52534
including any of the alternative methods enumerated in division 52535
(B)(2)(d) of section 5733.05 of the Revised Code. A taxpayer 52536
requesting an alternative method shall make the request in writing 52537
to the tax commissioner either with the annual report, a timely 52538
filed amended report, or a timely filed petition for reassessment. 52539
When the tax commissioner requires or permits an alternative 52540
method under division (E)(2) of this section, the tax commissioner 52541
shall cause a written notice to that effect to be delivered to any 52542
municipal corporation that would be affected by application of the 52543
alternative method. Nothing in this division shall be construed to 52544
extend any statute of limitations under this chapter. 52545

(F)(1) The tax commissioner may adopt rules providing for the 52546
combination of adjusted federal taxable incomes of taxpayers 52547
satisfying the ownership or control requirements of section 52548
5733.052 of the Revised Code if the tax commissioner finds that 52549
such combinations are necessary to properly reflect adjusted 52550
federal taxable income, Ohio net income, or the portion of Ohio 52551
net income to be taxable by municipal corporations. 52552

(2) A taxpayer satisfying the ownership or control 52553
requirements of section 5733.052 of the Revised Code with respect 52554
to one or more other taxpayers may not combine their adjusted 52555

federal taxable incomes for the purposes of this section unless 52556
rules are adopted under division (F)(1) of this section allowing 52557
such a combination or the tax commissioner finds that such a 52558
combination is necessary to properly reflect the taxpayers' 52559
adjusted federal taxable incomes, Ohio net incomes, or the portion 52560
of Ohio net incomes to be subject to taxation within a municipal 52561
corporation. 52562

(G) The tax commissioner may adopt rules providing for 52563
alternative apportionment methods for a telephone company. 52564

Sec. 5745.05. (A) Prior to the first day of March, June, 52565
September, and December, the tax commissioner shall certify to the 52566
director of budget and management the amount to be paid to each 52567
municipal corporation, as indicated on the declaration of 52568
estimated tax reports and annual reports received under sections 52569
5745.03 and 5745.04 of the Revised Code, less any amounts 52570
previously distributed and net of any audit adjustments made by 52571
the tax commissioner. Not later than the first day of March, June, 52572
September, and December, the director of budget and management 52573
shall provide for payment of the amount certified to each 52574
municipal corporation from the municipal income tax fund, plus a 52575
pro rata share of any investment earnings accruing to the fund 52576
since the previous payment under this section apportioned among 52577
municipal corporations entitled to such payments in proportion to 52578
the amount certified by the tax commissioner. 52579

(B) If the tax commissioner determines that the amount of tax 52580
paid by a taxpayer and distributed to a municipal corporation 52581
under this section for a taxable year exceeds the amount payable 52582
to that municipal corporation under this chapter after accounting 52583
for amounts remitted with the annual report and as estimated 52584
taxes, the tax commissioner shall permit the taxpayer to credit 52585
the excess against the taxpayer's payments to the municipal 52586

corporation of estimated taxes remitted for an ensuing taxable 52587
year under section 5745.04 of the Revised Code. If, upon the 52588
written request of the taxpayer, the tax commissioner determines 52589
that the excess to be so credited is likely to exceed the amount 52590
of estimated taxes payable by the taxpayer to the municipal 52591
corporation during the ensuing twelve months, the tax commissioner 52592
shall so notify the municipal corporation and the municipal 52593
corporation shall issue a refund of the excess to the taxpayer 52594
within ninety days after receiving such a notice. Interest shall 52595
accrue on the amount to be refunded and is payable to the taxpayer 52596
at the rate per annum prescribed by section 5703.47 of the Revised 52597
Code from the ninety-first day after the notice is received by the 52598
municipal corporation until the day the refund is paid. 52599
Immediately after notifying a municipal corporation under this 52600
division of an excess to be refunded, the commissioner also shall 52601
notify the director of budget and management of the amount of the 52602
excess, and the director shall transfer from the municipal income 52603
tax administrative fund to the municipal income tax fund one and 52604
one-half per cent of the amount of the excess. The commissioner 52605
shall include the transferred amount in the computation of the 52606
amount due the municipal corporation in the next certification to 52607
the director under division (A) of this section. 52608

Sec. 5745.13. If, upon examination of any books, records, 52609
reports, or other documents of a taxpayer, the tax commissioner 52610
determines that an adjustment shall be made in the portion of the 52611
taxpayer's income that is to be apportioned to a municipal 52612
corporation, the tax commissioner shall notify the taxpayer and, 52613
if the adjustment causes an adjustment in the taxpayer's tax owed 52614
to a municipal corporation for the taxpayer's taxable year of more 52615
than five hundred dollars, shall notify ~~each affected~~ that 52616
municipal corporation that the taxpayer's tax has been adjusted. 52617

Any municipal corporation to which such a notice is issued 52618

may request a review and redetermination of the taxpayer's federal 52619
taxable income, Ohio net income, or the portion of Ohio net income 52620
apportioned to the municipal corporation by filing a petition with 52621
the tax commissioner not later than sixty days after the tax 52622
commissioner issues the notice. The petition shall be filed either 52623
personally or by certified mail, and shall indicate the objections 52624
of the municipal corporation. 52625

Upon receiving such a petition, if a hearing is requested the 52626
tax commissioner shall assign a time and place for a hearing on 52627
the petition and shall notify the petitioner of the time and place 52628
of the hearing by ordinary mail. The tax commissioner may continue 52629
the hearing from time to time as necessary. The tax commissioner 52630
shall make any correction to the taxpayer's federal taxable 52631
income, Ohio net income, or apportionment of Ohio net income that 52632
the commissioner finds proper, and issue notice of any correction 52633
by ordinary mail to the petitioner, to each other municipal 52634
corporation affected by the correction of the apportionment, and 52635
to the taxpayer. The tax commissioner's decision on the matter is 52636
final, and is not subject to further appeal. 52637

Sec. 5747.01. Except as otherwise expressly provided or 52638
clearly appearing from the context, any term used in this chapter 52639
that is not otherwise defined in this section has the same meaning 52640
as when used in a comparable context in the laws of the United 52641
States relating to federal income taxes or if not used in a 52642
comparable context in those laws, has the same meaning as in 52643
section 5733.40 of the Revised Code. Any reference in this chapter 52644
to the Internal Revenue Code includes other laws of the United 52645
States relating to federal income taxes. 52646

As used in this chapter: 52647

(A) "Adjusted gross income" or "Ohio adjusted gross income" 52648
means federal adjusted gross income, as defined and used in the 52649

Internal Revenue Code, adjusted as provided in this section:	52650
(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.	52651 52652 52653
(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.	52654 52655 52656 52657 52658
(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.	52659 52660 52661 52662 52663 52664
(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.	52665 52666
(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.	52667 52668 52669 52670
(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter.	52671 52672 52673 52674 52675 52676 52677 52678 52679
"Undistributed net income of a trust" means the taxable income of	52680

the trust increased by (a)(i) the additions to adjusted gross 52681
income required under division (A) of this section and (ii) the 52682
personal exemptions allowed to the trust pursuant to section 52683
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 52684
deductions to adjusted gross income required under division (A) of 52685
this section, (ii) the amount of federal income taxes attributable 52686
to such income, and (iii) the amount of taxable income that has 52687
been included in the adjusted gross income of a beneficiary by 52688
reason of a prior accumulation distribution. Any undistributed net 52689
income included in the adjusted gross income of a beneficiary 52690
shall reduce the undistributed net income of the trust commencing 52691
with the earliest years of the accumulation period. 52692

(7) Deduct the amount of wages and salaries, if any, not 52693
otherwise allowable as a deduction but that would have been 52694
allowable as a deduction in computing federal adjusted gross 52695
income for the taxable year, had the targeted jobs credit allowed 52696
and determined under sections 38, 51, and 52 of the Internal 52697
Revenue Code not been in effect. 52698

(8) Deduct any interest or interest equivalent on public 52699
obligations and purchase obligations to the extent that the 52700
interest or interest equivalent is included in federal adjusted 52701
gross income. 52702

(9) Add any loss or deduct any gain resulting from the sale, 52703
exchange, or other disposition of public obligations to the extent 52704
that the loss has been deducted or the gain has been included in 52705
computing federal adjusted gross income. 52706

(10) Deduct or add amounts, as provided under section 5747.70 52707
of the Revised Code, related to contributions to variable college 52708
savings program accounts made or tuition units purchased pursuant 52709
to Chapter 3334. of the Revised Code. 52710

(11)(a) Deduct, to the extent not otherwise allowable as a 52711

deduction or exclusion in computing federal or Ohio adjusted gross 52712
income for the taxable year, the amount the taxpayer paid during 52713
the taxable year for medical care insurance and qualified 52714
long-term care insurance for the taxpayer, the taxpayer's spouse, 52715
and dependents. No deduction for medical care insurance under 52716
division (A)(11) of this section shall be allowed either to any 52717
taxpayer who is eligible to participate in any subsidized health 52718
plan maintained by any employer of the taxpayer or of the 52719
taxpayer's spouse, or to any taxpayer who is entitled to, or on 52720
application would be entitled to, benefits under part A of Title 52721
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 52722
301, as amended. For the purposes of division (A)(11)(a) of this 52723
section, "subsidized health plan" means a health plan for which 52724
the employer pays any portion of the plan's cost. The deduction 52725
allowed under division (A)(11)(a) of this section shall be the net 52726
of any related premium refunds, related premium reimbursements, or 52727
related insurance premium dividends received during the taxable 52728
year. 52729

(b) Deduct, to the extent not otherwise deducted or excluded 52730
in computing federal or Ohio adjusted gross income during the 52731
taxable year, the amount the taxpayer paid during the taxable 52732
year, not compensated for by any insurance or otherwise, for 52733
medical care of the taxpayer, the taxpayer's spouse, and 52734
dependents, to the extent the expenses exceed seven and one-half 52735
per cent of the taxpayer's federal adjusted gross income. 52736

(c) For purposes of division (A)(11) of this section, 52737
"medical care" has the meaning given in section 213 of the 52738
Internal Revenue Code, subject to the special rules, limitations, 52739
and exclusions set forth therein, and "qualified long-term care" 52740
has the same meaning given in section 7702B(c) of the Internal 52741
Revenue Code. 52742

(12)(a) Deduct any amount included in federal adjusted gross 52743

income solely because the amount represents a reimbursement or 52744
refund of expenses that in any year the taxpayer had deducted as 52745
an itemized deduction pursuant to section 63 of the Internal 52746
Revenue Code and applicable United States department of the 52747
treasury regulations. The deduction otherwise allowed under 52748
division (A)(12)(a) of this section shall be reduced to the extent 52749
the reimbursement is attributable to an amount the taxpayer 52750
deducted under this section in any taxable year. 52751

(b) Add any amount not otherwise included in Ohio adjusted 52752
gross income for any taxable year to the extent that the amount is 52753
attributable to the recovery during the taxable year of any amount 52754
deducted or excluded in computing federal or Ohio adjusted gross 52755
income in any taxable year. 52756

(13) Deduct any portion of the deduction described in section 52757
1341(a)(2) of the Internal Revenue Code, for repaying previously 52758
reported income received under a claim of right, that meets both 52759
of the following requirements: 52760

(a) It is allowable for repayment of an item that was 52761
included in the taxpayer's adjusted gross income for a prior 52762
taxable year and did not qualify for a credit under division (A) 52763
or (B) of section 5747.05 of the Revised Code for that year; 52764

(b) It does not otherwise reduce the taxpayer's adjusted 52765
gross income for the current or any other taxable year. 52766

(14) Deduct an amount equal to the deposits made to, and net 52767
investment earnings of, a medical savings account during the 52768
taxable year, in accordance with section 3924.66 of the Revised 52769
Code. The deduction allowed by division (A)(14) of this section 52770
does not apply to medical savings account deposits and earnings 52771
otherwise deducted or excluded for the current or any other 52772
taxable year from the taxpayer's federal adjusted gross income. 52773

(15)(a) Add an amount equal to the funds withdrawn from a 52774

medical savings account during the taxable year, and the net 52775
investment earnings on those funds, when the funds withdrawn were 52776
used for any purpose other than to reimburse an account holder 52777
for, or to pay, eligible medical expenses, in accordance with 52778
section 3924.66 of the Revised Code; 52779

(b) Add the amounts distributed from a medical savings 52780
account under division (A)(2) of section 3924.68 of the Revised 52781
Code during the taxable year. 52782

(16) Add any amount claimed as a credit under section 52783
5747.059 of the Revised Code to the extent that such amount 52784
satisfies either of the following: 52785

(a) The amount was deducted or excluded from the computation 52786
of the taxpayer's federal adjusted gross income as required to be 52787
reported for the taxpayer's taxable year under the Internal 52788
Revenue Code; 52789

(b) The amount resulted in a reduction of the taxpayer's 52790
federal adjusted gross income as required to be reported for any 52791
of the taxpayer's taxable years under the Internal Revenue Code. 52792

(17) Deduct the amount contributed by the taxpayer to an 52793
individual development account program established by a county 52794
department of job and family services pursuant to sections 329.11 52795
to 329.14 of the Revised Code for the purpose of matching funds 52796
deposited by program participants. On request of the tax 52797
commissioner, the taxpayer shall provide any information that, in 52798
the tax commissioner's opinion, is necessary to establish the 52799
amount deducted under division (A)(17) of this section. 52800

(18) Beginning in taxable year 2001 but not for any taxable 52801
year beginning after December 31, 2005, if the taxpayer is married 52802
and files a joint return and the combined federal adjusted gross 52803
income of the taxpayer and the taxpayer's spouse for the taxable 52804
year does not exceed one hundred thousand dollars, or if the 52805

taxpayer is single and has a federal adjusted gross income for the 52806
taxable year not exceeding fifty thousand dollars, deduct amounts 52807
paid during the taxable year for qualified tuition and fees paid 52808
to an eligible institution for the taxpayer, the taxpayer's 52809
spouse, or any dependent of the taxpayer, who is a resident of 52810
this state and is enrolled in or attending a program that 52811
culminates in a degree or diploma at an eligible institution. The 52812
deduction may be claimed only to the extent that qualified tuition 52813
and fees are not otherwise deducted or excluded for any taxable 52814
year from federal or Ohio adjusted gross income. The deduction may 52815
not be claimed for educational expenses for which the taxpayer 52816
claims a credit under section 5747.27 of the Revised Code. 52817

(19) Add any reimbursement received during the taxable year 52818
of any amount the taxpayer deducted under division (A)(18) of this 52819
section in any previous taxable year to the extent the amount is 52820
not otherwise included in Ohio adjusted gross income. 52821

(20)(a)(i) Add five-sixths of the amount of depreciation 52822
expense allowed by subsection (k) of section 168 of the Internal 52823
Revenue Code, including the taxpayer's proportionate or 52824
distributive share of the amount of depreciation expense allowed 52825
by that subsection to a pass-through entity in which the taxpayer 52826
has a direct or indirect ownership interest. 52827

(ii) Add five-sixths of the amount of qualifying section 179 52828
depreciation expense, including a person's proportionate or 52829
distributive share of the amount of qualifying section 179 52830
depreciation expense allowed to any pass-through entity in which 52831
the person has a direct or indirect ownership. For the purposes of 52832
this division, "qualifying section 179 depreciation expense" means 52833
the difference between (I) the amount of depreciation expense 52834
directly or indirectly allowed to the taxpayer under section 179 52835
of the Internal Revenue Code, and (II) the amount of depreciation 52836
expense directly or indirectly allowed to the taxpayer under 52837

section 179 of the Internal Revenue Code as that section existed 52838
on December 31, 2002. 52839

The tax commissioner, under procedures established by the 52840
commissioner, may waive the add-backs related to a pass-through 52841
entity if the taxpayer owns, directly or indirectly, less than 52842
five per cent of the pass-through entity. 52843

(b) Nothing in division (A)(20) of this section shall be 52844
construed to adjust or modify the adjusted basis of any asset. 52845

(c) To the extent the add-back required under division 52846
(A)(20)(a) of this section is attributable to property generating 52847
nonbusiness income or loss allocated under section 5747.20 of the 52848
Revised Code, the add-back shall be situated to the same location 52849
as the nonbusiness income or loss generated by the property for 52850
the purpose of determining the credit under division (A) of 52851
section 5747.05 of the Revised Code. Otherwise, the add-back shall 52852
be apportioned, subject to one or more of the four alternative 52853
methods of apportionment enumerated in section 5747.21 of the 52854
Revised Code. 52855

(d) For the purposes of division (A) of this section, net 52856
operating loss carryback and carryforward shall not include 52857
five-sixths of the allowance of any net operating loss deduction 52858
carryback or carryforward to the taxable year to the extent such 52859
loss resulted from depreciation allowed by section 168(k) of the 52860
Internal Revenue Code and by the qualifying section 179 52861
depreciation expense amount. 52862

(21)(a) If the taxpayer was required to add an amount under 52863
division (A)(20)(a) of this section for a taxable year, deduct 52864
one-fifth of the amount so added for each of the five succeeding 52865
taxable years. 52866

(b) If the amount deducted under division (A)(21)(a) of this 52867
section is attributable to an add-back allocated under division 52868

(A)(20)(c) of this section, the amount deducted shall be situated 52869
to the same location. Otherwise, the add-back shall be apportioned 52870
using the apportionment factors for the taxable year in which the 52871
deduction is taken, subject to one or more of the four alternative 52872
methods of apportionment enumerated in section 5747.21 of the 52873
Revised Code. 52874

(c) No deduction is available under division (A)(21)(a) of 52875
this section with regard to any depreciation allowed by section 52876
168(k) of the Internal Revenue Code and by the qualifying section 52877
179 depreciation expense amount to the extent that such 52878
depreciation resulted in or increased a federal net operating loss 52879
carryback or carryforward to a taxable year to which division 52880
(A)(20)(d) of this section does not apply. 52881

(22) Deduct, to the extent not otherwise deducted or excluded 52882
in computing federal or Ohio adjusted gross income for the taxable 52883
year, the amount the taxpayer received during the taxable year as 52884
reimbursement for life insurance premiums under section 5919.31 of 52885
the Revised Code. 52886

(23) Deduct, to the extent not otherwise deducted or excluded 52887
in computing federal or Ohio adjusted gross income for the taxable 52888
year, the amount the taxpayer received during the taxable year as 52889
a death benefit paid by the adjutant general under section 5919.33 52890
of the Revised Code. 52891

(24) Deduct, to the extent included in federal adjusted gross 52892
income and not otherwise allowable as a deduction or exclusion in 52893
computing federal or Ohio adjusted gross income for the taxable 52894
year, military pay and allowances received by the taxpayer during 52895
the taxable year for active duty service in the United States 52896
army, air force, navy, marine corps, or coast guard or reserve 52897
components thereof or the national guard. The deduction may not be 52898
claimed for military pay and allowances received by the taxpayer 52899
while the taxpayer is stationed in this state. 52900

(25) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year and not otherwise compensated for by any other source, the amount of qualified organ donation expenses incurred by the taxpayer during the taxable year, not to exceed ten thousand dollars. A taxpayer may deduct qualified organ donation expenses only once for all taxable years beginning with taxable years beginning in 2007.

For the purposes of division (A)(25) of this section:

(a) "Human organ" means all or any portion of a human liver, pancreas, kidney, intestine, or lung, and any portion of human bone marrow.

(b) "Qualified organ donation expenses" means travel expenses, lodging expenses, and wages and salary foregone by a taxpayer in connection with the taxpayer's donation, while living, of one or more of the taxpayer's human organs to another human being.

(B) "Business income" means income, including gain or loss, arising from transactions, activities, and sources in the regular course of a trade or business and includes income, gain, or loss from real property, tangible property, and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill.

(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright

royalties, or lottery winnings, prizes, and awards.	52932
(D) "Compensation" means any form of remuneration paid to an employee for personal services.	52933 52934
(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.	52935 52936 52937
(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.	52938 52939
(G) "Individual" means any natural person.	52940
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	52941 52942
(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:	52943 52944 52945
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	52946 52947
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	52948 52949 52950 52951
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	52952 52953 52954
For the purposes of division (I)(3) of this section:	52955
(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:	52956 52957 52958 52959 52960 52961

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue

Code. 52994

(d) For the purposes of division (I)(3)(a) of this section, 52995
the extent to which a trust consists directly or indirectly, in 52996
whole or in part, of assets, net of any related liabilities, that 52997
were transferred directly or indirectly, in whole or part, to the 52998
trust by any of the sources enumerated in that division shall be 52999
ascertained by multiplying the fair market value of the trust's 53000
assets, net of related liabilities, by the qualifying ratio, which 53001
shall be computed as follows: 53002

(i) The first time the trust receives assets, the numerator 53003
of the qualifying ratio is the fair market value of those assets 53004
at that time, net of any related liabilities, from sources 53005
enumerated in division (I)(3)(a) of this section. The denominator 53006
of the qualifying ratio is the fair market value of all the 53007
trust's assets at that time, net of any related liabilities. 53008

(ii) Each subsequent time the trust receives assets, a 53009
revised qualifying ratio shall be computed. The numerator of the 53010
revised qualifying ratio is the sum of (1) the fair market value 53011
of the trust's assets immediately prior to the subsequent 53012
transfer, net of any related liabilities, multiplied by the 53013
qualifying ratio last computed without regard to the subsequent 53014
transfer, and (2) the fair market value of the subsequently 53015
transferred assets at the time transferred, net of any related 53016
liabilities, from sources enumerated in division (I)(3)(a) of this 53017
section. The denominator of the revised qualifying ratio is the 53018
fair market value of all the trust's assets immediately after the 53019
subsequent transfer, net of any related liabilities. 53020

(iii) Whether a transfer to the trust is by or from any of 53021
the sources enumerated in division (I)(3)(a) of this section shall 53022
be ascertained without regard to the domicile of the trust's 53023
beneficiaries. 53024

(e) For the purposes of division (I)(3)(a)(i) of this section: 53025
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(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code. 53027
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(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year. 53032
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(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following: 53039
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(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter. 53043
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(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter. 53049
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(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will of a testator.

(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death.

(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state.

(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.

(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so

required. 53087

(M) "Taxable year" means the calendar year or the taxpayer's 53088
fiscal year ending during the calendar year, or fractional part 53089
thereof, upon which the adjusted gross income is calculated 53090
pursuant to this chapter. 53091

(N) "Taxpayer" means any person subject to the tax imposed by 53092
section 5747.02 of the Revised Code or any pass-through entity 53093
that makes the election under division (D) of section 5747.08 of 53094
the Revised Code. 53095

(O) "Dependents" means dependents as defined in the Internal 53096
Revenue Code and as claimed in the taxpayer's federal income tax 53097
return for the taxable year or which the taxpayer would have been 53098
permitted to claim had the taxpayer filed a federal income tax 53099
return. 53100

(P) "Principal county of employment" means, in the case of a 53101
nonresident, the county within the state in which a taxpayer 53102
performs services for an employer or, if those services are 53103
performed in more than one county, the county in which the major 53104
portion of the services are performed. 53105

(Q) As used in sections 5747.50 to 5747.55 of the Revised 53106
Code: 53107

(1) "Subdivision" means any county, municipal corporation, 53108
park district, or township. 53109

(2) "Essential local government purposes" includes all 53110
functions that any subdivision is required by general law to 53111
exercise, including like functions that are exercised under a 53112
charter adopted pursuant to the Ohio Constitution. 53113

(R) "Overpayment" means any amount already paid that exceeds 53114
the figure determined to be the correct amount of the tax. 53115

(S) "Taxable income" or "Ohio taxable income" applies only to 53116

estates and trusts, and means federal taxable income, as defined 53117
and used in the Internal Revenue Code, adjusted as follows: 53118

(1) Add interest or dividends, net of ordinary, necessary, 53119
and reasonable expenses not deducted in computing federal taxable 53120
income, on obligations or securities of any state or of any 53121
political subdivision or authority of any state, other than this 53122
state and its subdivisions and authorities, but only to the extent 53123
that such net amount is not otherwise includible in Ohio taxable 53124
income and is described in either division (S)(1)(a) or (b) of 53125
this section: 53126

(a) The net amount is not attributable to the S portion of an 53127
electing small business trust and has not been distributed to 53128
beneficiaries for the taxable year; 53129

(b) The net amount is attributable to the S portion of an 53130
electing small business trust for the taxable year. 53131

(2) Add interest or dividends, net of ordinary, necessary, 53132
and reasonable expenses not deducted in computing federal taxable 53133
income, on obligations of any authority, commission, 53134
instrumentality, territory, or possession of the United States to 53135
the extent that the interest or dividends are exempt from federal 53136
income taxes but not from state income taxes, but only to the 53137
extent that such net amount is not otherwise includible in Ohio 53138
taxable income and is described in either division (S)(1)(a) or 53139
(b) of this section; 53140

(3) Add the amount of personal exemption allowed to the 53141
estate pursuant to section 642(b) of the Internal Revenue Code; 53142

(4) Deduct interest or dividends, net of related expenses 53143
deducted in computing federal taxable income, on obligations of 53144
the United States and its territories and possessions or of any 53145
authority, commission, or instrumentality of the United States to 53146
the extent that the interest or dividends are exempt from state 53147

taxes under the laws of the United States, but only to the extent 53148
that such amount is included in federal taxable income and is 53149
described in either division (S)(1)(a) or (b) of this section; 53150

(5) Deduct the amount of wages and salaries, if any, not 53151
otherwise allowable as a deduction but that would have been 53152
allowable as a deduction in computing federal taxable income for 53153
the taxable year, had the targeted jobs credit allowed under 53154
sections 38, 51, and 52 of the Internal Revenue Code not been in 53155
effect, but only to the extent such amount relates either to 53156
income included in federal taxable income for the taxable year or 53157
to income of the S portion of an electing small business trust for 53158
the taxable year; 53159

(6) Deduct any interest or interest equivalent, net of 53160
related expenses deducted in computing federal taxable income, on 53161
public obligations and purchase obligations, but only to the 53162
extent that such net amount relates either to income included in 53163
federal taxable income for the taxable year or to income of the S 53164
portion of an electing small business trust for the taxable year; 53165

(7) Add any loss or deduct any gain resulting from sale, 53166
exchange, or other disposition of public obligations to the extent 53167
that such loss has been deducted or such gain has been included in 53168
computing either federal taxable income or income of the S portion 53169
of an electing small business trust for the taxable year; 53170

(8) Except in the case of the final return of an estate, add 53171
any amount deducted by the taxpayer on both its Ohio estate tax 53172
return pursuant to section 5731.14 of the Revised Code, and on its 53173
federal income tax return in determining federal taxable income; 53174

(9)(a) Deduct any amount included in federal taxable income 53175
solely because the amount represents a reimbursement or refund of 53176
expenses that in a previous year the decedent had deducted as an 53177
itemized deduction pursuant to section 63 of the Internal Revenue 53178

Code and applicable treasury regulations. The deduction otherwise 53179
allowed under division (S)(9)(a) of this section shall be reduced 53180
to the extent the reimbursement is attributable to an amount the 53181
taxpayer or decedent deducted under this section in any taxable 53182
year. 53183

(b) Add any amount not otherwise included in Ohio taxable 53184
income for any taxable year to the extent that the amount is 53185
attributable to the recovery during the taxable year of any amount 53186
deducted or excluded in computing federal or Ohio taxable income 53187
in any taxable year, but only to the extent such amount has not 53188
been distributed to beneficiaries for the taxable year. 53189

(10) Deduct any portion of the deduction described in section 53190
1341(a)(2) of the Internal Revenue Code, for repaying previously 53191
reported income received under a claim of right, that meets both 53192
of the following requirements: 53193

(a) It is allowable for repayment of an item that was 53194
included in the taxpayer's taxable income or the decedent's 53195
adjusted gross income for a prior taxable year and did not qualify 53196
for a credit under division (A) or (B) of section 5747.05 of the 53197
Revised Code for that year. 53198

(b) It does not otherwise reduce the taxpayer's taxable 53199
income or the decedent's adjusted gross income for the current or 53200
any other taxable year. 53201

(11) Add any amount claimed as a credit under section 53202
5747.059 of the Revised Code to the extent that the amount 53203
satisfies either of the following: 53204

(a) The amount was deducted or excluded from the computation 53205
of the taxpayer's federal taxable income as required to be 53206
reported for the taxpayer's taxable year under the Internal 53207
Revenue Code; 53208

(b) The amount resulted in a reduction in the taxpayer's 53209

federal taxable income as required to be reported for any of the 53210
taxpayer's taxable years under the Internal Revenue Code. 53211

(12) Deduct any amount, net of related expenses deducted in 53212
computing federal taxable income, that a trust is required to 53213
report as farm income on its federal income tax return, but only 53214
if the assets of the trust include at least ten acres of land 53215
satisfying the definition of "land devoted exclusively to 53216
agricultural use" under section 5713.30 of the Revised Code, 53217
regardless of whether the land is valued for tax purposes as such 53218
land under sections 5713.30 to 5713.38 of the Revised Code. If the 53219
trust is a pass-through entity investor, section 5747.231 of the 53220
Revised Code applies in ascertaining if the trust is eligible to 53221
claim the deduction provided by division (S)(12) of this section 53222
in connection with the pass-through entity's farm income. 53223

Except for farm income attributable to the S portion of an 53224
electing small business trust, the deduction provided by division 53225
(S)(12) of this section is allowed only to the extent that the 53226
trust has not distributed such farm income. Division (S)(12) of 53227
this section applies only to taxable years of a trust beginning in 53228
2002 or thereafter. 53229

(13) Add the net amount of income described in section 641(c) 53230
of the Internal Revenue Code to the extent that amount is not 53231
included in federal taxable income. 53232

(14) Add or deduct the amount the taxpayer would be required 53233
to add or deduct under division (A)(20) or (21) of this section if 53234
the taxpayer's Ohio taxable income were computed in the same 53235
manner as an individual's Ohio adjusted gross income is computed 53236
under this section. In the case of a trust, division (S)(14) of 53237
this section applies only to any of the trust's taxable years 53238
beginning in 2002 or thereafter. 53239

(T) "School district income" and "school district income tax" 53240

have the same meanings as in section 5748.01 of the Revised Code. 53241

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 53242
of this section, "public obligations," "purchase obligations," and 53243
"interest or interest equivalent" have the same meanings as in 53244
section 5709.76 of the Revised Code. 53245

(V) "Limited liability company" means any limited liability 53246
company formed under Chapter 1705. of the Revised Code or under 53247
the laws of any other state. 53248

(W) "Pass-through entity investor" means any person who, 53249
during any portion of a taxable year of a pass-through entity, is 53250
a partner, member, shareholder, or equity investor in that 53251
pass-through entity. 53252

(X) "Banking day" has the same meaning as in section 1304.01 53253
of the Revised Code. 53254

(Y) "Month" means a calendar month. 53255

(Z) "Quarter" means the first three months, the second three 53256
months, the third three months, or the last three months of the 53257
taxpayer's taxable year. 53258

(AA)(1) "Eligible institution" means a state university or 53259
state institution of higher education as defined in section 53260
3345.011 of the Revised Code, or a private, nonprofit college, 53261
university, or other post-secondary institution located in this 53262
state that possesses a certificate of authorization issued by the 53263
Ohio board of regents pursuant to Chapter 1713. of the Revised 53264
Code or a certificate of registration issued by the state board of 53265
career colleges and schools under Chapter 3332. of the Revised 53266
Code. 53267

(2) "Qualified tuition and fees" means tuition and fees 53268
imposed by an eligible institution as a condition of enrollment or 53269
attendance, not exceeding two thousand five hundred dollars in 53270

each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not include:

(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;

(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;

(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.

(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.

(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust

recognizes the gain or loss. 53302

Any gain or loss that is not a qualifying trust amount is 53303
modified business income, qualifying investment income, or 53304
modified nonbusiness income, as the case may be. 53305

(3) "Modified nonbusiness income" means a trust's Ohio 53306
taxable income other than modified business income, other than the 53307
qualifying trust amount, and other than qualifying investment 53308
income, as defined in section 5747.012 of the Revised Code, to the 53309
extent such qualifying investment income is not otherwise part of 53310
modified business income. 53311

(4) "Modified Ohio taxable income" applies only to trusts, 53312
and means the sum of the amounts described in divisions (BB)(4)(a) 53313
to (c) of this section: 53314

(a) The fraction, calculated under section 5747.013, and 53315
applying section 5747.231 of the Revised Code, multiplied by the 53316
sum of the following amounts: 53317

(i) The trust's modified business income; 53318

(ii) The trust's qualifying investment income, as defined in 53319
section 5747.012 of the Revised Code, but only to the extent the 53320
qualifying investment income does not otherwise constitute 53321
modified business income and does not otherwise constitute a 53322
qualifying trust amount. 53323

(b) The qualifying trust amount multiplied by a fraction, the 53324
numerator of which is the sum of the book value of the qualifying 53325
investee's physical assets in this state on the last day of the 53326
qualifying investee's fiscal or calendar year ending immediately 53327
prior to the day on which the trust recognizes the qualifying 53328
trust amount, and the denominator of which is the sum of the book 53329
value of the qualifying investee's total physical assets 53330
everywhere on the last day of the qualifying investee's fiscal or 53331
calendar year ending immediately prior to the day on which the 53332

trust recognizes the qualifying trust amount. If, for a taxable 53333
year, the trust recognizes a qualifying trust amount with respect 53334
to more than one qualifying investee, the amount described in 53335
division (BB)(4)(b) of this section shall equal the sum of the 53336
products so computed for each such qualifying investee. 53337

(c)(i) With respect to a trust or portion of a trust that is 53338
a resident as ascertained in accordance with division (I)(3)(d) of 53339
this section, its modified nonbusiness income. 53340

(ii) With respect to a trust or portion of a trust that is 53341
not a resident as ascertained in accordance with division 53342
(I)(3)(d) of this section, the amount of its modified nonbusiness 53343
income satisfying the descriptions in divisions (B)(2) to (5) of 53344
section 5747.20 of the Revised Code, except as otherwise provided 53345
in division (BB)(4)(c)(ii) of this section. With respect to a 53346
trust or portion of a trust that is not a resident as ascertained 53347
in accordance with division (I)(3)(d) of this section, the trust's 53348
portion of modified nonbusiness income recognized from the sale, 53349
exchange, or other disposition of a debt interest in or equity 53350
interest in a section 5747.212 entity, as defined in section 53351
5747.212 of the Revised Code, without regard to division (A) of 53352
that section, shall not be allocated to this state in accordance 53353
with section 5747.20 of the Revised Code but shall be apportioned 53354
to this state in accordance with division (B) of section 5747.212 53355
of the Revised Code without regard to division (A) of that 53356
section. 53357

If the allocation and apportionment of a trust's income under 53358
divisions (BB)(4)(a) and (c) of this section do not fairly 53359
represent the modified Ohio taxable income of the trust in this 53360
state, the alternative methods described in division (C) of 53361
section 5747.21 of the Revised Code may be applied in the manner 53362
and to the same extent provided in that section. 53363

(5)(a) Except as set forth in division (BB)(5)(b) of this 53364

section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (BB)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another

pass-through entity, and "lower level pass-through entity" means 53397
that other pass-through entity. 53398

An upper level pass-through entity, whether or not it is also 53399
a qualifying investee, is deemed to own, on the last day of the 53400
upper level pass-through entity's calendar or fiscal year, the 53401
proportionate share of the lower level pass-through entity's 53402
physical assets that the lower level pass-through entity directly 53403
or indirectly owns on the last day of the lower level pass-through 53404
entity's calendar or fiscal year ending within or with the last 53405
day of the upper level pass-through entity's fiscal or calendar 53406
year. If the upper level pass-through entity directly and 53407
indirectly owns less than fifty per cent of the equity of the 53408
lower level pass-through entity on each day of the upper level 53409
pass-through entity's calendar or fiscal year in which or with 53410
which ends the calendar or fiscal year of the lower level 53411
pass-through entity and if, based upon clear and convincing 53412
evidence, complete information about the location and cost of the 53413
physical assets of the lower pass-through entity is not available 53414
to the upper level pass-through entity, then solely for purposes 53415
of ascertaining if a gain or loss constitutes a qualifying trust 53416
amount, the upper level pass-through entity shall be deemed as 53417
owning no equity of the lower level pass-through entity for each 53418
day during the upper level pass-through entity's calendar or 53419
fiscal year in which or with which ends the lower level 53420
pass-through entity's calendar or fiscal year. Nothing in division 53421
(BB)(5)(a)(iii) of this section shall be construed to provide for 53422
any deduction or exclusion in computing any trust's Ohio taxable 53423
income. 53424

(b) With respect to a trust that is not a resident for the 53425
taxable year and with respect to a part of a trust that is not a 53426
resident for the taxable year, "qualifying investee" for that 53427
taxable year does not include a C corporation if both of the 53428

following apply: 53429

(i) During the taxable year the trust or part of the trust 53430
recognizes a gain or loss from the sale, exchange, or other 53431
disposition of equity or ownership interests in, or debt 53432
obligations of, the C corporation. 53433

(ii) Such gain or loss constitutes nonbusiness income. 53434

(6) "Available" means information is such that a person is 53435
able to learn of the information by the due date plus extensions, 53436
if any, for filing the return for the taxable year in which the 53437
trust recognizes the gain or loss. 53438

(CC) "Qualifying controlled group" has the same meaning as in 53439
section 5733.04 of the Revised Code. 53440

(DD) "Related member" has the same meaning as in section 53441
5733.042 of the Revised Code. 53442

(EE)(1) For the purposes of division (EE) of this section: 53443

(a) "Qualifying person" means any person other than a 53444
qualifying corporation. 53445

(b) "Qualifying corporation" means any person classified for 53446
federal income tax purposes as an association taxable as a 53447
corporation, except either of the following: 53448

(i) A corporation that has made an election under subchapter 53449
S, chapter one, subtitle A, of the Internal Revenue Code for its 53450
taxable year ending within, or on the last day of, the investor's 53451
taxable year; 53452

(ii) A subsidiary that is wholly owned by any corporation 53453
that has made an election under subchapter S, chapter one, 53454
subtitle A of the Internal Revenue Code for its taxable year 53455
ending within, or on the last day of, the investor's taxable year. 53456

(2) For the purposes of this chapter, unless expressly stated 53457
otherwise, no qualifying person indirectly owns any asset directly 53458

or indirectly owned by any qualifying corporation. 53459

(FF) For purposes of this chapter and Chapter 5751. of the 53460
Revised Code: 53461

(1) "Trust" does not include a qualified pre-income tax 53462
trust. 53463

(2) A "qualified pre-income tax trust" is any pre-income tax 53464
trust that makes a qualifying pre-income tax trust election as 53465
described in division (FF)(3) of this section. 53466

(3) A "qualifying pre-income tax trust election" is an 53467
election by a pre-income tax trust to subject to the tax imposed 53468
by section 5751.02 of the Revised Code the pre-income tax trust 53469
and all pass-through entities of which the trust owns or controls, 53470
directly, indirectly, or constructively through related interests, 53471
five per cent or more of the ownership or equity interests. The 53472
trustee shall notify the tax commissioner in writing of the 53473
election on or before April 15, 2006. The election, if timely 53474
made, shall be effective on and after January 1, 2006, and shall 53475
apply for all tax periods and tax years until revoked by the 53476
trustee of the trust. 53477

(4) A "pre-income tax trust" is a trust that satisfies all of 53478
the following requirements: 53479

(a) The document or instrument creating the trust was 53480
executed by the grantor before January 1, 1972; 53481

(b) The trust became irrevocable upon the creation of the 53482
trust; and 53483

(c) The grantor was domiciled in this state at the time the 53484
trust was created. 53485

Sec. 5747.03. (A) All money collected under this chapter 53486
arising from the taxes imposed by section 5747.02 or 5747.41 of 53487
the Revised Code shall be credited to the general revenue fund, 53488

except that the treasurer of state shall+ 53489

~~(1) Credit an amount equal to four and two tenths per cent of 53490
those taxes collected under this chapter to the local government 53491
fund, which is hereby created in the state treasury, for 53492
distribution in accordance with section 5747.50 of the Revised 53493
Code; 53494~~

~~(2) Credit an amount equal to five and seven tenths per cent 53495
of those taxes collected under this chapter to the library and 53496
local government support fund, which is hereby created in the 53497
state treasury, for distribution in accordance with section 53498
5747.47 of the Revised Code; 53499~~

(3) ~~At, at~~ at the beginning of each calendar quarter, credit to 53500
the Ohio political party fund, pursuant to section 3517.16 of the 53501
Revised Code, an amount equal to the total dollar value realized 53502
from the taxpayer exercise of the income tax checkoff option on 53503
tax forms processed during the preceding calendar quarter+ 53504

~~(4) Credit an amount equal to six tenths of one per cent of 53505
those taxes collected under this chapter to the local government 53506
revenue assistance fund for distribution in accordance with 53507
section 5747.61 of the Revised Code. 53508~~

(B)(1) Following the crediting of moneys pursuant to division 53509
(A) of this section, the remainder deposited in the general 53510
revenue fund shall be distributed pursuant to division (F) of 53511
section 321.24 and section 323.156 of the Revised Code; to make 53512
subsidy payments to institutions of higher education from 53513
appropriations to the Ohio board of regents; to support 53514
expenditures for programs and services for the mentally ill, 53515
mentally retarded, developmentally disabled, and elderly; for 53516
primary and secondary education; for medical assistance; and for 53517
any other purposes authorized by law, subject to the limitation 53518
that at least fifty per cent of the income tax collected by the 53519

state from the tax imposed by section 5747.02 of the Revised Code 53520
shall be returned pursuant to Section 9 of Article XII, Ohio 53521
Constitution. 53522

(2) To ensure that such constitutional requirement is 53523
satisfied the tax commissioner shall, on or before the thirtieth 53524
day of June of each year, from the best information available to 53525
the tax commissioner, determine and certify for each county to the 53526
director of budget and management the amount of taxes collected 53527
under this chapter from the tax imposed under section 5747.02 of 53528
the Revised Code during the preceding calendar year that are 53529
required to be returned to the county by Section 9 of Article XII, 53530
Ohio Constitution. The director shall provide for payment from the 53531
general revenue fund to the county in the amount, if any, that the 53532
sum of the amount so certified for that county exceeds the sum of 53533
the following: 53534

(a) The sum of the payments from the general revenue fund for 53535
the preceding calendar year credited to the ~~credit of the~~ county's 53536
undivided income tax fund pursuant to division (F) of section 53537
321.24 and section 323.156 of the Revised Code or made directly 53538
from the general revenue fund to political subdivisions located in 53539
the county; 53540

(b) The sum of the amounts from the general revenue fund 53541
distributed in the county during the preceding calendar year for 53542
subsidy payments to institutions of higher education from 53543
appropriations to the Ohio board of regents; for programs and 53544
services for mentally ill, mentally retarded, developmentally 53545
disabled, and elderly persons; for primary and secondary 53546
education; and for medical assistance. 53547

(c) ~~The~~ In the case of payments made by the director under 53548
this division in 2007, the total amount distributed to the county 53549
during the preceding calendar year from the local government fund 53550
and the local government revenue assistance fund, and, in the case 53551

of payments made by the director under this division in subsequent 53552
calendar years, the amount distributed to the county from the 53553
local government fund; 53554

(d) ~~The~~ In the case of payments made by the director under 53555
this division, the total amount distributed to the county during 53556
the preceding calendar year from the library and local government 53557
support fund~~;~~ 53558

~~(e) The amount distributed to the county during the preceding~~ 53559
~~calendar year from the local government revenue assistance fund.~~ 53560

Payments under this division shall be credited to the 53561
county's undivided income tax fund, except that, notwithstanding 53562
section 5705.14 of the Revised Code, such payments may be 53563
transferred by the board of county commissioners to the county 53564
general fund by resolution adopted with the affirmative vote of 53565
two-thirds of the members thereof. 53566

(C) All payments received in each month from taxes imposed 53567
under Chapter 5748. of the Revised Code and any penalties or 53568
interest thereon shall be paid into the school district income tax 53569
fund, which is hereby created in the state treasury, except that 53570
an amount equal to the following portion of such payments shall be 53571
paid into the general school district income tax administrative 53572
fund, which is hereby created in the state treasury: 53573

(1) One and three-quarters of one per cent of those received 53574
in fiscal year 1996; 53575

(2) One and one-half per cent of those received in fiscal 53576
year 1997 and thereafter. 53577

Money in the school district income tax administrative fund 53578
shall be used by the tax commissioner to defray costs incurred in 53579
administering the school district's income tax, including the cost 53580
of providing employers with information regarding the rate of tax 53581
imposed by any school district. Any moneys remaining in the fund 53582

after such use shall be deposited in the school district income tax fund. 53583
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All interest earned on moneys in the school district income tax fund shall be credited to the fund. 53585
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(D)(1)(a) Within thirty days of the end of each calendar quarter ending on the last day of March, June, September, and December, the director of budget and management shall make a payment from the school district income tax fund to each school district for which school district income tax revenue was received during that quarter. The amount of the payment shall equal the balance in the school district's account at the end of that quarter. 53587
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(b) After a school district ceases to levy an income tax, the director of budget and management shall adjust the payments under division (D)(1)(a) of this section to retain sufficient money in the school district's account to pay refunds. For the calendar quarters ending on the last day of March and December of the calendar year following the last calendar year the tax is levied, the director shall make the payments in the amount required under division (D)(1)(a) of this section. For the calendar quarter ending on the last day of June of the calendar year following the last calendar year the tax is levied, the director shall make a payment equal to nine-tenths of the balance in the account at the end of that quarter. For the calendar quarter ending on the last day of September of the calendar year following the last calendar year the tax is levied, the director shall make no payment. For the second and succeeding calendar years following the last calendar year the tax is levied, the director shall make one payment each year, within thirty days of the last day of June, in an amount equal to the balance in the district's account on the last day of June. 53595
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(2) Moneys paid to a school district under this division 53614

shall be deposited in its school district income tax fund. All 53615
interest earned on moneys in the school district income tax fund 53616
shall be apportioned by the tax commissioner pro rata among the 53617
school districts in the proportions and at the times the districts 53618
are entitled to receive payments under this division. 53619

Sec. 5747.47. (A)(1) By the twentieth day of July of each 53620
year, the tax commissioner shall estimate and certify the 53621
following for each county to its county auditor: 53622

(a) Its guaranteed share of the ensuing year's fund balance; 53623

(b) Its share of the excess of the ensuing year's fund 53624
balance; 53625

(c) Its total entitlement. 53626

(2) In December and in June following such estimations and 53627
certifications, the commissioner shall revise such estimates and 53628
certify such revised estimates to the respective county auditors. 53629

(B) By the tenth day of each month the commissioner shall 53630
distribute the amount credited to the library and local government 53631
support fund ~~from taxes collected under this chapter during the~~ 53632
~~preceding month~~ in the current month under section 131.51 of the 53633
Revised Code. The distributions shall be made as follows: 53634

(1) During the first six months of each year, each county 53635
shall be paid a percentage of the balance that is the same per 53636
cent that the revised estimate of the county's total entitlement 53637
certified in December under division (A)(2) of this section is of 53638
the sum of such revised estimates of the total entitlements for 53639
all counties. 53640

(2) During the last six months, each county shall be paid a 53641
percentage of the balance that is the same per cent that the 53642
revised estimate of the county's total entitlement certified in 53643
June under division (A)(2) of this section is of the sum of such 53644

revised estimates of the total entitlements for all counties. 53645

(3) During each of the first six months of each year, the 53646
payments made to each county shall be adjusted as follows: 53647

(a) If the county received an overpayment during the 53648
preceding distribution year, reduce the sum of the payments by the 53649
amount of such overpayment. The reduction shall be apportioned 53650
over the six months. 53651

(b) If the county received an underpayment during the 53652
preceding distribution year, increase the sum of the payments by 53653
the amount of such underpayment. The increase shall be apportioned 53654
over the six months. 53655

(C) By the twentieth day of December of each year, the tax 53656
commissioner shall determine and certify to the auditor of each 53657
county each of the following with respect to the current 53658
distribution year: 53659

(1) The year's fund balance; 53660

(2) Each county's guaranteed share; 53661

(3) Each county's share of the excess; 53662

(4) Each county's total entitlement; 53663

(5) Each county's net distribution; 53664

(6) The amount by which each county's net distribution 53665
exceeded or was less than its total entitlement, which amount 53666
shall constitute the county's overpayment or underpayment for 53667
purposes of division (B)(3) of this section in the ensuing 53668
distribution year. 53669

Sec. 5747.50. (A) As used in this section: 53670

(1) "County's proportionate share of the calendar year 2007 53671
LGF and LGRAF distributions" means the percentage computed for the 53672
county under division (B)(1)(a) of section 5747.501 of the Revised 53673

Code for use in the current calendar year. 53674

~~(2) "1983 share" means the sum of all payments made to a county under section 5747.50 of the Revised Code during 1983 under all versions of such section that were in effect during such year plus the payments made to the county's undivided local government fund in 1983 from the tax imposed on deposits under division (C) of section 5707.03 of the Revised Code.~~ 53675
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~~(3) "Amount available for distribution under division (B) of this section" means for any calendar year, both of the following:~~ 53681
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~~(a) Nine tenths of the difference between the amount available for distribution under this section during that year and the deposit tax revenue of all counties;~~ 53683
53684
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~~(b) The deposit tax revenue of all counties less six million dollars.~~ 53686
53687

~~Each year, an amount equal to the amount available for distribution under division (B) of this section shall be distributed from the local government fund as provided in that division. The balance in the fund available for distribution in that year under this section and not available for distribution under this division shall be distributed in accordance with division (C) of this section. The tax commissioner shall determine in each month what proportion of that month's local government fund balance shall be distributed under division (B) of this section and what proportion shall be distributed under division (C) of this section. "County's proportionate share of the total amount of the local government 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~~ 53688
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issued a revision to the population figures reflected in the 53705
estimate produced pursuant to division (B)(2)(a) of section 53706
5747.501 of the Revised Code, such revised population figures 53707
shall be used for making the distributions during the current 53708
calendar year. 53709

(3) "2007 LGF and LGRAF county distribution base available in 53710
that month" means the lesser of the amounts described in division 53711
(A)(3)(a) and (b) of this section, provided that the amount shall 53712
not be less than zero: 53713

(a) The total amount available for distribution to counties 53714
from the local government fund during the current month. 53715

(b) The total amount distributed to counties from the local 53716
government fund and the local government revenue assistance fund 53717
to counties in calendar year 2007 less the total amount 53718
distributed to counties under division (B)(1) of this section 53719
during previous months of the current calendar year. 53720

(4) "Local government fund additional revenue distribution 53721
base available during that month" means the total amount available 53722
for distribution to counties during the month from the local 53723
government fund, less any amounts to be distributed in that month 53724
from the local government fund under division (B)(1) of this 53725
section, provided that the local government fund additional 53726
revenue distribution base available during that month shall not be 53727
less than zero. 53728

(5) "Total amount available for distribution to counties" 53729
means the total amount available for distribution from the local 53730
government fund during the current month less the total amount 53731
available for distribution to municipal corporations during the 53732
current month under division (C) of this section. 53733

(B) On or before the tenth day of each month, the tax 53734
commissioner shall provide for payment to ~~the county treasurer of~~ 53735

each county of an amount equal to the sum of: 53736

(1) The county's proportionate share of the calendar year 53737
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 53738
LGRAF county distribution base available in that month, provided 53739
that if the 2007 LGF and LGRAF county distribution base available 53740
in that month is zero, no payment shall be made under division 53741
(B)(1) of this section for the month or the remainder of the 53742
calendar year; and 53743

(2) The county's proportionate share of the total amount of 53744
the local government fund additional revenue formula multiplied by 53745
the local government fund additional revenue distribution base 53746
available for distribution during that month under this division, 53747
except as otherwise provided and in such a way that on the last 53748
day of each calendar year, each county shall have received an 53749
amount equal to its proportionate share of the amount available 53750
for distribution under this division during that year. Counties 53751
whose proportionate shares are less than their 1983 shares shall 53752
receive an amount equal to their 1983 shares during the year in 53753
lieu of their proportionate shares, and the amounts required to be 53754
paid to all other counties shall be proportionately reduced to 53755
fund such deficiency. If any county receives payments in any year 53756
that exceed the amount to which it is entitled, that excess shall 53757
be deducted from the payments due the county in the ensuing 53758
calendar year and apportioned among and paid to the counties that 53759
did not receive any such excess. 53760

The amount paid to any county in any month shall not be less 53761
than twenty five thousand dollars unless a smaller payment is 53762
required in order to avoid paying that county more during the year 53763
than the amount to which it is entitled for that year. 53764

Money received into the treasury of a county under this 53765
division shall be credited to the undivided local government fund 53766
in the treasury of the county on or before the fifteenth day of 53767

each month. ~~The~~ On or before the twentieth day of each month, the 53768
county auditor shall issue warrants against all of the undivided 53769
local government fund in the county treasury in the respective 53770
amounts allowed as provided in section 5747.51 of the Revised 53771
Code, and the treasurer shall distribute and pay such sums to the 53772
subdivision therein. 53773

(C)(1) As used in division (C) of this section: 53774

(a) "Total amount available for distribution to 53775
municipalities during the current month" means the product 53776
obtained by multiplying the total amount available for 53777
distribution from the local government fund during the current 53778
month by the aggregate municipal share. 53779

(b) "Aggregate municipal share" means the quotient obtained 53780
by dividing the total amount distributed directly from the local 53781
government fund to municipal corporations during calendar year 53782
2007 by the total distributions from the local government fund and 53783
local government revenue assistance fund during calendar year 53784
2007. 53785

(2) On or before the tenth day of each month, the tax 53786
commissioner shall provide for payment from the local government 53787
fund to each municipal corporation which had in effect during the 53788
preceding calendar year a tax imposed under Chapter 718. of the 53789
Revised Code. The amount paid to each municipal corporation shall 53790
bear the same an amount equal to the product derived by 53791
multiplying the municipal corporation's percentage ~~to~~ of the total 53792
amount ~~to be~~ distributed to all such municipal corporations under 53793
this division as ~~the total income taxes collected by such~~ 53794
~~municipal corporation during the second~~ calendar year preceding 53795
~~the year in which distribution is made bears to the total amount~~ 53796
~~of such taxes collected by all municipal corporations during such~~ 53797
~~period~~ 2007 by the total amount available for distribution to 53798
municipal corporations during the current month. Payments 53799

(3) Payments received by a municipal corporation under this 53800
division shall be paid into its general fund and may be used for 53801
any lawful purpose. 53802

(4) The amount distributed to municipal corporations under 53803
this division during any calendar year shall not exceed the amount 53804
distributed directly from the local government fund to municipal 53805
corporations during calendar year 2007. If that maximum amount is 53806
reached during any month, distributions to municipal corporations 53807
in that month shall be as provided in divisions (C)(1) and (2) of 53808
this section, but no further distributions shall be made to 53809
municipal corporations under division (C) of this section during 53810
the remainder of the calendar year. 53811

(5) Upon being informed of a municipal corporation's 53812
dissolution, the tax commissioner shall cease providing for 53813
payments to that municipal corporation under division (C) of this 53814
section. The proportionate shares of the total amount available 53815
for distribution to each of the remaining municipal corporations 53816
under this division shall be increased on a pro rata basis. 53817

(D) Each municipal corporation which has in effect a tax 53818
imposed under Chapter 718. of the Revised Code shall, no later 53819
than the thirty-first day of August of each year, certify to the 53820
tax commissioner the total amount of income taxes collected by 53821
such municipal corporation pursuant to such chapter during the 53822
preceding calendar year. The tax commissioner ~~shall~~ may withhold 53823
payment of local government fund moneys pursuant to division (C) 53824
of this section from any municipal corporation for failure to 53825
comply with this reporting requirement. 53826

Sec. 5747.501. (A) ~~By~~ On or before the ~~fifteenth~~ twenty-fifth 53827
day of ~~December~~ July of each year, the tax commissioner shall 53828
estimate and certify to each county auditor the amount to be ~~paid~~ 53829
~~into~~ distributed from the local government fund ~~for distribution~~ 53830

~~to each undivided local government fund during the following~~ 53831
~~calendar year under section 5747.50 of the Revised Code. The~~ 53832
~~commissioner estimate shall then determine equal the sum of the~~ 53833
~~separate amounts that would be paid to each county if the amount~~ 53834
~~so certified were distributed computed under divisions (A)(B)(1)~~ 53835
~~and (2) of this section as follows:~~ 53836

~~(1)(a) As used in this division and in section 5747.50 of the~~ 53837
~~Revised Code, "deposit tax revenue" means one hundred forty five~~ 53838
~~and forty five one hundredths per cent of the payments made to the~~ 53839
~~county's undivided local government fund in 1983 from the tax~~ 53840
~~imposed on deposits under division (C) of section 5707.03 of the~~ 53841
~~Revised Code.~~ 53842

~~(b) Compute each county's deposit tax revenue.~~ 53843

~~(c) Determine how much each county would receive if~~ 53844
~~nine tenths of the difference between the amount certified under~~ 53845
~~division (A) of this section and the sum of all counties' deposit~~ 53846
~~tax revenues, less six million dollars, were allocated among the~~ 53847
~~counties in the following year as follows:~~ 53848

~~(i) Seventy five per cent of said amount shall be apportioned~~ 53849
~~in the ratio that the total of the real, public utility, and~~ 53850
~~tangible personal property tax duplicates of the municipal~~ 53851
~~corporations, or parts thereof, in the county for the year next~~ 53852
~~preceding the year in which the computation is made bears to the~~ 53853
~~total aggregate real, public utility, and tangible personal~~ 53854
~~property tax duplicates of all the municipal corporations in the~~ 53855
~~state for the same year.~~ 53856

~~(ii) Twenty five per cent shall be apportioned among all the~~ 53857
~~counties in the ratio that the population of the county at the~~ 53858
~~last federal decennial census bears to the total population of the~~ 53859
~~state.~~ 53860

~~(iii) Adjust the sum of the allocations under divisions~~ 53861

~~(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.~~

~~(d) Add the amount allocated to each county under division (A)(1)(c) to its deposit tax revenue.~~

~~(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.~~

~~(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 percent 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 multiplying the percentage described in division (B)(1)(a) of this section by the amount described in division (B)(1)(b) of this section.~~

~~(a) Each county's proportionate share of the total amount distributed to the counties from the local government fund and the local government revenue assistance fund during calendar year 2007.~~

~~(b) The total amount distributed to counties from the local~~

government fund and the local government revenue assistance fund 53893
during calendar year 2007 adjusted downward if, and to the extent 53894
that, total local government fund distributions to counties for 53895
the following year are projected to be less than what was 53896
distributed to counties from the local government fund and local 53897
government revenue assistance fund during calendar year 2007. 53898

(2) The product obtained by multiplying the percentage 53899
described in division (B)(2)(a) of this section by the amount 53900
described in division (B)(2)(b) of this section. 53901

(a) Each county's proportionate share of the state's 53902
population as reflected in the most recent federal decennial 53903
census or the federal government's most recent census estimates, 53904
whichever represents the most recent year. 53905

(b) The amount by which total estimated distributions from 53906
the local government fund during the immediately succeeding 53907
calendar year, less the total estimated amount to be distributed 53908
from the fund to municipal corporations under division (C) of 53909
section 5747.50 of the Revised Code during the immediately 53910
succeeding calendar year, exceed the total amount distributed to 53911
counties from the local government fund and local government 53912
revenue assistance fund during calendar year 2007. 53913

Sec. 5747.51. (A) ~~Within ten days after~~ On or before the 53914
~~fifteenth~~ twenty-fifth day of July of each year, the tax 53915
commissioner shall make and certify to the county auditor of each 53916
county an estimate of the amount of the local government fund to 53917
be allocated to the undivided local government fund of each county 53918
for the ensuing calendar year and the estimated amount to be 53919
received by the undivided local government fund of each county 53920
from the taxes levied pursuant to section 5707.03 of the Revised 53921
Code for the ensuing calendar year. 53922

(B) At each annual regular session of the county budget 53923

commission convened pursuant to section 5705.27 of the Revised Code, each auditor shall present to the commission the certificate of the commissioner, the annual tax budget and estimates, and the records showing the action of the commission in its last preceding regular session. The estimates shown on the certificate of the commissioner of the amount to be allocated from the local government fund and the amount to be received from taxes levied pursuant to section 5707.03 of the Revised Code shall be combined into one total comprising the estimate of the undivided local government fund of the county. The commission, after extending to the representatives of each subdivision an opportunity to be heard, under oath administered by any member of the commission, and considering all the facts and information presented to it by the auditor, shall determine the amount of the undivided local government fund needed by and to be apportioned to each subdivision for current operating expenses, as shown in the tax budget of the subdivision. This determination shall be made pursuant to divisions (C) to (I) of this section, unless the commission has provided for a formula pursuant to section 5747.53 of the Revised Code.

Nothing in this section prevents the budget commission, for the purpose of apportioning the undivided local government fund, from inquiring into the claimed needs of any subdivision as stated in its tax budget, or from adjusting claimed needs to reflect actual needs. For the purposes of this section, "current operating expenses" means the lawful expenditures of a subdivision, except those for permanent improvements and except payments for interest, sinking fund, and retirement of bonds, notes, and certificates of indebtedness of the subdivision.

(C) The commission shall determine the combined total of the estimated expenditures, including transfers, from the general fund and any special funds other than special funds established for

road and bridge; street construction, maintenance, and repair; 53956
state highway improvement; and gas, water, sewer, and electric 53957
public utilities operated by a subdivision, as shown in the 53958
subdivision's tax budget for the ensuing calendar year. 53959

(D) From the combined total of expenditures calculated 53960
pursuant to division (C) of this section, the commission shall 53961
deduct the following expenditures, if included in these funds in 53962
the tax budget: 53963

(1) Expenditures for permanent improvements as defined in 53964
division (E) of section 5705.01 of the Revised Code; 53965

(2) In the case of counties and townships, transfers to the 53966
road and bridge fund, and in the case of municipalities, transfers 53967
to the street construction, maintenance, and repair fund and the 53968
state highway improvement fund; 53969

(3) Expenditures for the payment of debt charges; 53970

(4) Expenditures for the payment of judgments. 53971

(E) In addition to the deductions made pursuant to division 53972
(D) of this section, revenues accruing to the general fund and any 53973
special fund considered under division (C) of this section from 53974
the following sources shall be deducted from the combined total of 53975
expenditures calculated pursuant to division (C) of this section: 53976

(1) Taxes levied within the ten-mill limitation, as defined 53977
in section 5705.02 of the Revised Code; 53978

(2) The budget commission allocation of estimated county 53979
library and local government support fund revenues to be 53980
distributed pursuant to section 5747.48 of the Revised Code; 53981

(3) Estimated unencumbered balances as shown on the tax 53982
budget as of the thirty-first day of December of the current year 53983
in the general fund, but not any estimated balance in any special 53984
fund considered in division (C) of this section; 53985

(4) Revenue, including transfers, shown in the general fund 53986
and any special funds other than special funds established for 53987
road and bridge; street construction, maintenance, and repair; 53988
state highway improvement; and gas, water, sewer, and electric 53989
public utilities, from all other sources except those that a 53990
subdivision receives from an additional tax or service charge 53991
voted by its electorate or receives from special assessment or 53992
revenue bond collection. For the purposes of this division, where 53993
the charter of a municipal corporation prohibits the levy of an 53994
income tax, an income tax levied by the legislative authority of 53995
such municipal corporation pursuant to an amendment of the charter 53996
of that municipal corporation to authorize such a levy represents 53997
an additional tax voted by the electorate of that municipal 53998
corporation. For the purposes of this division, any measure 53999
adopted by a board of county commissioners pursuant to section 54000
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 54001
including those measures upheld by the electorate in a referendum 54002
conducted pursuant to section 322.021, 324.021, 4504.021, or 54003
5739.022 of the Revised Code, shall not be considered an 54004
additional tax voted by the electorate. 54005

Subject to division (G) of section 5705.29 of the Revised 54006
Code, money in a reserve balance account established by a county, 54007
township, or municipal corporation under section 5705.13 of the 54008
Revised Code shall not be considered an unencumbered balance or 54009
revenue under division (E)(3) or (4) of this section. Money in a 54010
reserve balance account established by a township under section 54011
5705.132 of the Revised Code shall not be considered an 54012
unencumbered balance or revenue under division (E)(3) or (4) of 54013
this section. 54014

If a county, township, or municipal corporation has created 54015
and maintains a nonexpendable trust fund under section 5705.131 of 54016
the Revised Code, the principal of the fund, and any additions to 54017

the principal arising from sources other than the reinvestment of 54018
investment earnings arising from such a fund, shall not be 54019
considered an unencumbered balance or revenue under division 54020
(E)(3) or (4) of this section. Only investment earnings arising 54021
from investment of the principal or investment of such additions 54022
to principal may be considered an unencumbered balance or revenue 54023
under those divisions. 54024

(F) The total expenditures calculated pursuant to division 54025
(C) of this section, less the deductions authorized in divisions 54026
(D) and (E) of this section, shall be known as the "relative need" 54027
of the subdivision, for the purposes of this section. 54028

(G) The budget commission shall total the relative need of 54029
all participating subdivisions in the county, and shall compute a 54030
relative need factor by dividing the total estimate of the 54031
undivided local government fund by the total relative need of all 54032
participating subdivisions. 54033

(H) The relative need of each subdivision shall be multiplied 54034
by the relative need factor to determine the proportionate share 54035
of the subdivision in the undivided local government fund of the 54036
county; provided, that the maximum proportionate share of a county 54037
shall not exceed the following maximum percentages of the total 54038
estimate of the undivided local government fund governed by the 54039
relationship of the percentage of the population of the county 54040
that resides within municipal corporations within the county to 54041
the total population of the county as reported in the reports on 54042
population in Ohio by the department of development as of the 54043
twentieth day of July of the year in which the tax budget is filed 54044
with the budget commission: 54045

Percentage of	Percentage share	54046
municipal population	of the county	54047
within the county:	shall not exceed:	54048
Less than forty-one per cent	Sixty per cent	54049

Forty-one per cent or more but less 54050
than eighty-one per cent Fifty per cent 54051
Eighty-one per cent or more Thirty per cent 54052

Where the proportionate share of the county exceeds the 54053
limitations established in this division, the budget commission 54054
shall adjust the proportionate shares determined pursuant to this 54055
division so that the proportionate share of the county does not 54056
exceed these limitations, and it shall increase the proportionate 54057
shares of all other subdivisions on a pro rata basis. In counties 54058
having a population of less than one hundred thousand, not less 54059
than ten per cent shall be distributed to the townships therein. 54060

(I) The proportionate share of each subdivision in the 54061
undivided local government fund determined pursuant to division 54062
(H) of this section for any calendar year shall not be less than 54063
the product of the average of the percentages of the undivided 54064
local government fund of the county as apportioned to that 54065
subdivision for the calendar years 1968, 1969, and 1970, 54066
multiplied by the total amount of the undivided local government 54067
fund of the county apportioned pursuant to former section 5735.23 54068
of the Revised Code for the calendar year 1970. For the purposes 54069
of this division, the total apportioned amount for the calendar 54070
year 1970 shall be the amount actually allocated to the county in 54071
1970 from the state collected intangible tax as levied by section 54072
5707.03 of the Revised Code and distributed pursuant to section 54073
5725.24 of the Revised Code, plus the amount received by the 54074
county in the calendar year 1970 pursuant to division (B)(1) of 54075
former section 5739.21 of the Revised Code, and distributed 54076
pursuant to former section 5739.22 of the Revised Code. If the 54077
total amount of the undivided local government fund for any 54078
calendar year is less than the amount of the undivided local 54079
government fund apportioned pursuant to former section 5739.23 of 54080
the Revised Code for the calendar year 1970, the minimum amount 54081
guaranteed to each subdivision for that calendar year pursuant to 54082

this division shall be reduced on a basis proportionate to the 54083
amount by which the amount of the undivided local government fund 54084
for that calendar year is less than the amount of the undivided 54085
local government fund apportioned for the calendar year 1970. 54086

(J) On the basis of such apportionment, the county auditor 54087
shall compute the percentage share of each such subdivision in the 54088
undivided local government fund and shall at the same time certify 54089
to the tax commissioner the percentage share of the county as a 54090
subdivision. No payment shall be made from the undivided local 54091
government fund, except in accordance with such percentage shares. 54092

Within ten days after the budget commission has made its 54093
apportionment, whether conducted pursuant to section 5747.51 or 54094
5747.53 of the Revised Code, the auditor shall publish a list of 54095
the subdivisions and the amount each is to receive from the 54096
undivided local government fund and the percentage share of each 54097
subdivision, in a newspaper or newspapers of countywide 54098
circulation, and send a copy of such allocation to the tax 54099
commissioner. 54100

The county auditor shall also send by certified mail, return 54101
receipt requested, a copy of such allocation to the fiscal officer 54102
of each subdivision entitled to participate in the allocation of 54103
the undivided local government fund of the county. This copy shall 54104
constitute the official notice of the commission action referred 54105
to in section 5705.37 of the Revised Code. 54106

All money received into the treasury of a subdivision from 54107
the undivided local government fund in a county treasury shall be 54108
paid into the general fund and used for the current operating 54109
expenses of the subdivision. 54110

If a municipal corporation maintains a municipal university, 54111
such municipal university, when the board of trustees so requests 54112
the legislative authority of the municipal corporation, shall 54113

participate in the money apportioned to such municipal corporation 54114
from the total local government fund, however created and 54115
constituted, in such amount as requested by the board of trustees, 54116
provided such sum does not exceed nine per cent of the total 54117
amount paid to the municipal corporation. 54118

If any public official fails to maintain the records required 54119
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 54120
issued by the tax commissioner, the auditor of state, or the 54121
treasurer of state pursuant to such sections, or fails to comply 54122
with any law relating to the enforcement of such sections, the 54123
local government fund money allocated to the county ~~shall~~ may be 54124
withheld until such time as the public official has complied with 54125
such sections or such law or the rules issued pursuant thereto. 54126

Sec. 5747.54. The tax commissioner ~~shall not distribute~~ may 54127
withhold distributions of local government fund money to any 54128
county where the county auditor has failed to certify to the tax 54129
commissioner the percentage share of the undivided local 54130
government fund of the county as a subdivision for the year for 54131
which distribution is to be made. The director ~~shall~~ of budget and 54132
management may direct the tax commissioner to withhold from ~~such a~~ 54133
county the percentage of the amount distributable thereto that 54134
constitutes the share of the county as a subdivision of the local 54135
government fund so long as such county is indebted or otherwise 54136
obligated to the state, until such indebtedness or other 54137
obligation has been duly paid, but no distribution of such 54138
percentage share of the local government fund shall be withheld 54139
unless an itemized statement of such indebtedness is furnished the 54140
county auditor of the county from which the indebtedness is due at 54141
least thirty days prior to the withholding of the distribution. 54142

Any indebtedness or obligation of the state to a county shall 54143
be deducted from the amount owing to the state by such county in 54144

determining the indebtedness or obligation as to which 54145
distribution is withheld. 54146

Sec. 5747.77. (A) As used in this section: 54147

(1) "Alternative fuel" means E85 blend fuel or blended 54148
biodiesel. 54149

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 54150
fuel that is derived from vegetable oils or animal fats, or any 54151
combination of those reagents that meets the American society for 54152
testing and materials specification for biodiesel fuel (B100) 54153
blend stock distillate fuels. 54154

(3) "Blended biodiesel" means a blend of biodiesel with 54155
petroleum based diesel fuel in which the resultant product 54156
contains not less than twenty per cent biodiesel and meets the 54157
American society for testing and materials specification for 54158
blended diesel fuel. 54159

(4) "Diesel fuel" means any liquid fuel that is capable of 54160
use in discrete form or as a blend component in the operation of 54161
engines of the diesel type. 54162

(5) "Ethanol" means fermentation ethyl alcohol derived from 54163
agricultural products, including potatoes, cereal, grains, cheese 54164
whey, and sugar beets; forest products; or other renewable 54165
resources, including residue and waste generated from the 54166
production, processing, and marketing of agricultural products, 54167
forest products, and other renewable resources that meet all of 54168
the specifications in the American society for testing and 54169
materials (ASTM) specification D 4806-88 and is denatured as 54170
specified in Parts 20 and 21 of Title 27 of the Code of Federal 54171
Regulations. 54172

(6) "E85 blend fuel" means fuel containing eighty-five per 54173
cent or more ethanol, or containing any other percentage of not 54174

less than seventy per cent ethanol if the United States department 54175
of energy determines, by rule, that the lower percentage is 54176
necessary to provide for the requirements of cold start, safety, 54177
or other vehicle functions, and that meets the American society 54178
for testing and materials specification for E85 blend fuel. 54179

(7) "Retail dealer" means any person that is a taxpayer under 54180
this chapter that owns or operates a retail service station 54181
located in this state. 54182

(8) "Retail service station" means a location in this state 54183
from which alternative fuel is sold to the general public and is 54184
dispensed or pumped directly into motor vehicle fuel tanks for 54185
consumption. 54186

(B) For taxable years ending in 2008 and 2009, there is 54187
hereby allowed a nonrefundable credit against the tax imposed by 54188
section 5747.02 of the Revised Code for a retail dealer that sells 54189
alternative fuel. The credit for a dealer's taxable year ending in 54190
2008 shall equal fifteen cents per gallon of alternative fuel sold 54191
and dispensed through a metered pump at the retail dealer's retail 54192
service station during any part of calendar year 2007 or 2008 54193
included in that taxable year. The credit for a dealer's taxable 54194
year ending in 2009 shall equal fifteen cents per gallon of 54195
alternative fuel sold and dispensed through a metered pump at the 54196
retail dealer's retail service station during any part of calendar 54197
year 2008 included in that taxable year, plus thirteen cents per 54198
gallon of alternative fuel sold and dispensed in that manner 54199
during any part of calendar year 2009 included in that taxable 54200
year. 54201

The credit shall be calculated separately for each retail 54202
service station owned or operated by the retail dealer. The credit 54203
allowed under this section may not be claimed for alternative fuel 54204
sold or dispensed before January 1, 2008, or on or after January 54205
1, 2010. 54206

(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 retail dealer that is a pass-through entity 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;	54237 54238
(8) The low-income credit under section 5747.056 of the Revised Code;	54239 54240
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	54241 54242
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	54243 54244
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	54245 54246
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	54247 54248
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	54249 54250
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	54251 54252
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	54253 54254
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	54255 54256
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	54257 54258
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	54259 54260
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	54261 54262
(20) The credit for purchases of new manufacturing machinery and equipment under section 5747.26 or section 5747.261 for <u>selling alternative fuel under section 5747.77</u> of the Revised	54263 54264 54265

Code;	54266
(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;	54267 54268 54269
(22) The job training credit under section 5747.39 of the Revised Code;	54270 54271
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	54272 54273
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	54274 54275
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	54276 54277
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	54278 54279
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	54280 54281
(28) The export sales credit under section 5747.057 of the Revised Code;	54282 54283
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	54284 54285
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	54286 54287
(31) The research and development credit under section 5747.331 of the Revised Code;	54288 54289
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	54290 54291
(33) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	54292 54293
(34) The refundable credit for taxes paid by a qualifying	54294

entity granted under section 5747.059 of the Revised Code;	54295
(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	54296 54297 54298
(36) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	54299 54300
(37) The refundable credit under section 5747.80 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.	54301 54302 54303
(B) For any credit, except the credits enumerated in divisions (A)(32) to (37) of this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	54304 54305 54306 54307 54308 54309 54310 54311 54312 54313
Sec. 5748.01. As used in this chapter:	54314
(A) "School district income tax" means an income tax adopted under one of the following:	54315 54316
(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;	54317 54318 54319
(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;	54320 54321
(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;	54322 54323

(4) Section 5748.021 of the Revised Code;	54324
(5) Section 5748.081 of the Revised Code.	54325
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	54326 54327
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	54328 54329
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	54330 54331
(E) "Taxable income" means:	54332
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	54333 54334
(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;	54335 54336 54337 54338
(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.	54339 54340 54341 54342 54343 54344
(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.	54345 54346 54347
(F) "Resident" of the school district means:	54348
(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	54349 54350 54351 54352 54353

the school district; 54354

(2) An estate of a decedent who, at the time of death, was 54355
domiciled in the school district. 54356

(G) "School district income" means: 54357

(1) With respect to an individual, the portion of the taxable 54358
income of an individual that is received by the individual during 54359
the portion of the taxable year that the individual is a resident 54360
of the school district and the school district income tax is in 54361
effect in that school district. An individual may have school 54362
district income with respect to more than one school district. 54363

(2) With respect to an estate, the taxable income of the 54364
estate for the portion of the taxable year that the school 54365
district income tax is in effect in that school district. 54366

(H) "Taxpayer" means an individual or estate having school 54367
district income upon which a school district income tax is 54368
imposed. 54369

(I) "School district purposes" means any of the purposes for 54370
which a tax may be levied pursuant to section 5705.21 of the 54371
Revised Code, including the combined purposes authorized by 54372
section 5705.217 of the Revised Code. 54373

Sec. 5748.02. (A) The board of education of any school 54374
district, except a joint vocational school district, may declare, 54375
by resolution, the necessity of raising annually a specified 54376
amount of money for school district purposes. The resolution shall 54377
specify whether the income that is to be subject to the tax is 54378
taxable income of individuals and estates as defined in divisions 54379
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 54380
taxable income of individuals as defined in division (E)(1)(b) of 54381
that section. A copy of the resolution shall be certified to the 54382
tax commissioner no later than eighty-five days prior to the date 54383

of the election at which the board intends to propose a levy under 54384
this section. Upon receipt of the copy of the resolution, the tax 54385
commissioner shall estimate both of the following: 54386

(1) The property tax rate that would have to be imposed in 54387
the current year by the district to produce an equivalent amount 54388
of money; 54389

(2) The income tax rate that would have had to have been in 54390
effect for the current year to produce an equivalent amount of 54391
money from a school district income tax. 54392

Within ten days of receiving the copy of the board's 54393
resolution, the commissioner shall prepare these estimates and 54394
certify them to the board. Upon receipt of the certification, the 54395
board may adopt a resolution proposing an income tax under 54396
division (B) of this section at the estimated rate contained in 54397
the certification rounded to the nearest one-fourth of one per 54398
cent. The commissioner's certification applies only to the board's 54399
proposal to levy an income tax at the election for which the board 54400
requested the certification. If the board intends to submit a 54401
proposal to levy an income tax at any other election, it shall 54402
request another certification for that election in the manner 54403
prescribed in this division. 54404

(B)(1) Upon the receipt of a certification from the tax 54405
commissioner under division (A) of this section, a majority of the 54406
members of a board of education may adopt a resolution proposing 54407
the levy of an annual tax for school district purposes on school 54408
district income. The proposed levy may be for a continuing period 54409
of time or for a specified number of years. The resolution shall 54410
set forth the purpose for which the tax is to be imposed, the rate 54411
of the tax, which shall be the rate set forth in the 54412
commissioner's certification rounded to the nearest one-fourth of 54413
one per cent, the number of years the tax will be levied or that 54414
it will be levied for a continuing period of time, the date on 54415

which the tax shall take effect, which shall be the first day of 54416
January of any year following the year in which the question is 54417
submitted, and the date of the election at which the proposal 54418
shall be submitted to the electors of the district, which shall be 54419
on the date of a primary, general, or special election the date of 54420
which is consistent with section 3501.01 of the Revised Code. The 54421
resolution shall specify whether the income that is to be subject 54422
to the tax is taxable income of individuals and estates as defined 54423
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 54424
Code or taxable income of individuals as defined in division 54425
(E)(1)(b) of that section. The specification shall be the same as 54426
the specification in the resolution adopted and certified under 54427
division (A) of this section. If 54428

If the tax is to be levied for current expenses and permanent 54429
improvements, the resolution shall apportion the annual rate of 54430
the tax. The apportionment may be the same or different for each 54431
year the tax is levied, but the respective portions of the rate 54432
actually levied each year for current expenses and for permanent 54433
improvements shall be limited by the apportionment. 54434

If the board of education currently imposes an income tax 54435
pursuant to this chapter that is due to expire and a question is 54436
submitted under this section for a proposed income tax to take 54437
effect upon the expiration of the existing tax, the board may 54438
specify in the resolution that the proposed tax renews the 54439
expiring tax and is not an additional income tax, provided that 54440
the tax rate being proposed is no higher than the tax rate that is 54441
currently imposed. 54442

(2) A board of education adopting a resolution under division 54443
(B)(1) of this section proposing a school district income tax for 54444
a continuing period of time and limited to the purpose of current 54445
expenses may propose in that resolution to reduce the rate or 54446
rates of one or more of the school district's property taxes 54447

levied for a continuing period of time in excess of the ten-mill 54448
limitation for the purpose of current expenses. The reduction in 54449
the rate of a property tax may be any amount, expressed in mills 54450
per one dollar in valuation, not exceeding the rate at which the 54451
tax is authorized to be levied. The reduction in the rate of a tax 54452
shall first take effect for the tax year that includes the day on 54453
which the school district income tax first takes effect, and shall 54454
continue for each tax year that both the school district income 54455
tax and the property tax levy are in effect. 54456

In addition to the matters required to be set forth in the 54457
resolution under division (B)(1) of this section, a resolution 54458
containing a proposal to reduce the rate of one or more property 54459
taxes shall state for each such tax the maximum rate at which it 54460
currently may be levied and the maximum rate at which the tax 54461
could be levied after the proposed reduction, expressed in mills 54462
per one dollar in valuation, and that the tax is levied for a 54463
continuing period of time. 54464

If a board of education proposes to reduce the rate of one or 54465
more property taxes under division (B)(2) of this section, the 54466
board, when it makes the certification required under division (A) 54467
of this section, shall designate the specific levy or levies to be 54468
reduced, the maximum rate at which each levy currently is 54469
authorized to be levied, and the rate by which each levy is 54470
proposed to be reduced. The tax commissioner, when making the 54471
certification to the board under division (A) of this section, 54472
also shall certify the reduction in the total effective tax rate 54473
for current expenses for each class of property that would have 54474
resulted if the proposed reduction in the rate or rates had been 54475
in effect the previous tax year. As used in this paragraph, 54476
"effective tax rate" has the same meaning as in section 323.08 of 54477
the Revised Code. 54478

(C) A resolution adopted under division (B) of this section 54479

shall go into immediate effect upon its passage, and no 54480
publication of the resolution shall be necessary other than that 54481
provided for in the notice of election. Immediately after its 54482
adoption and at least seventy-five days prior to the election at 54483
which the question will appear on the ballot, a copy of the 54484
resolution shall be certified to the board of elections of the 54485
proper county, which shall submit the proposal to the electors on 54486
the date specified in the resolution. The form of the ballot shall 54487
be as provided in section 5748.03 of the Revised Code. Publication 54488
of notice of the election shall be made in one or more newspapers 54489
of general circulation in the county once a week for two 54490
consecutive weeks prior to the election, and, if the board of 54491
elections operates and maintains a web site, the board of 54492
elections shall post notice of the election on its web site for 54493
thirty days prior to the election. The notice shall contain the 54494
time and place of the election and the question to be submitted to 54495
the electors. The question covered by the resolution shall be 54496
submitted as a separate proposition, but may be printed on the 54497
same ballot with any other proposition submitted at the same 54498
election, other than the election of officers. 54499

(D) ~~No board of education shall submit~~ The submission to the 54500
electors of the school district of the question of a tax on school 54501
~~district income to the electors of the district more than twice in~~ 54502
under this section is subject to the limitation under section 54503
5705.214 of the Revised Code on the number of elections that may 54504
be held during any calendar year. ~~If a board submits the question~~ 54505
~~twice in any calendar year, one of the elections on the question~~ 54506
~~shall be held on the date of the general election.~~ 54507

(E)(1) No board of education may submit to the electors of 54508
the district the question of a tax on school district income on 54509
the taxable income of individuals as defined in division (E)(1)(b) 54510
of section 5748.01 of the Revised Code if that tax would be in 54511

addition to an existing tax on the taxable income of individuals 54512
and estates as defined in divisions (E)(1)(a) and (2) of that 54513
section. 54514

(2) No board of education may submit to the electors of the 54515
district the question of a tax on school district income on the 54516
taxable income of individuals and estates as defined in divisions 54517
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 54518
tax would be in addition to an existing tax on the taxable income 54519
of individuals as defined in division (E)(1)(b) of that section. 54520

Sec. 5748.021. A board of education that levies a tax under 54521
section 5748.02 of the Revised Code on the school district income 54522
of individuals and estates as defined in divisions (G) and 54523
(E)(1)(a) and (2) of section 5748.01 of the Revised Code may 54524
declare, at any time, by a resolution adopted by a majority of its 54525
members, the necessity of raising annually a specified amount of 54526
money for school district purposes by replacing the existing tax 54527
with a tax on the school district income of individuals as defined 54528
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 54529
Revised Code. The specified amount of money to be raised annually 54530
may be the same as, or more or less than, the amount of money 54531
raised annually by the existing tax. 54532

The board shall certify a copy of the resolution to the tax 54533
commissioner not later than the eighty-fifth day before the date 54534
of the election at which the board intends to propose the 54535
replacement to the electors of the school district. Not later than 54536
the tenth day after receiving the resolution, the tax commissioner 54537
shall estimate the tax rate that would be required in the school 54538
district annually to raise the amount of money specified in the 54539
resolution. The tax commissioner shall certify the estimate to the 54540
board. 54541

Upon receipt of the tax commissioner's estimate, the board 54542

may propose, by a resolution adopted by a majority of its members, 54543
to replace the existing tax on the school district income of 54544
individuals and estates as defined in divisions (G) and (E)(1)(a) 54545
and (2) of section 5748.01 of the Revised Code with the levy of an 54546
annual tax on the school district income of individuals as defined 54547
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 54548
Revised Code. In the resolution, the board shall specify the rate 54549
of the replacement tax, whether the replacement tax is to be 54550
levied for a specified number of years or for a continuing time, 54551
the specific school district purposes for which the replacement 54552
tax is to be levied, the date on which the replacement tax will 54553
begin to be levied, the date of the election at which the question 54554
of the replacement is to be submitted to the electors of the 54555
school district, that the existing tax will cease to be levied and 54556
the replacement tax will begin to be levied if the replacement is 54557
approved by a majority of the electors voting on the replacement, 54558
and that if the replacement is not approved by a majority of the 54559
electors voting on the replacement the existing tax will remain in 54560
effect under its original authority for the remainder of its 54561
previously approved term. The resolution goes into immediate 54562
effect upon its adoption. Publication of the resolution is not 54563
necessary, and the information that will be provided in the notice 54564
of election is sufficient notice. At least seventy-five days 54565
before the date of the election at which the question of the 54566
replacement will be submitted to the electors of the school 54567
district, the board shall certify a copy of the resolution to the 54568
board of elections. 54569

The replacement tax shall have the same specific school 54570
district purposes as the existing tax, and its rate shall be the 54571
same as the tax commissioner's estimate rounded to the nearest 54572
one-fourth of one per cent. The replacement tax shall begin to be 54573
levied on the first day of January of the year following the year 54574
in which the question of the replacement is submitted to and 54575

approved by the electors of the school district or on the first 54576
day of January of a later year, as specified in the resolution. 54577
The date of the election shall be the date of an otherwise 54578
scheduled primary, general, or special election. 54579

The board of elections shall make arrangements to submit the 54580
question of the replacement to the electors of the school district 54581
on the date specified in the resolution. The board of elections 54582
shall publish notice of the election on the question of the 54583
replacement in one or more newspapers of general circulation in 54584
the school district once a week for four consecutive weeks. The 54585
notice shall set forth the question to be submitted to the 54586
electors and the time and place of the election thereon. 54587

The question shall be submitted to the electors of the school 54588
district as a separate proposition, but may be printed on the same 54589
ballot with other propositions that are submitted at the same 54590
election, other than the election of officers. The form of the 54591
ballot shall be substantially as follows: 54592

"Shall the existing tax of (state the rate) on the 54593
school district income of individuals and estates imposed by 54594
(state the name of the school district) be replaced by a tax of 54595
..... (state the rate) on the earned income of individuals 54596
residing in the school district for (state the number of 54597
years the tax is to be in effect or that it will be in effect for 54598
a continuing time), beginning (state the date the new tax 54599
will take effect), for the purpose of (state the specific 54600
school district purposes of the tax)? If the new tax is not 54601
approved, the existing tax will remain in effect under its 54602
original authority, for the remainder of its previously approved 54603
term. 54604

	For replacing the existing tax with the new tax
	Against replacing the existing

"

54605
54606

	tax with the new tax
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The board of elections shall conduct and canvass the election 54607
in the same manner as regular elections in the school district for 54608
the election of county officers. The board shall certify the 54609
results of the election to the board of education and to the tax 54610
commissioner. If a majority of the electors voting on the question 54611
vote in favor of the replacement, the existing tax shall cease to 54612
be levied, and the replacement tax shall begin to be levied, on 54613
the date specified in the ballot question. If a majority of the 54614
electors voting on the question vote against the replacement, the 54615
existing tax shall continue to be levied under its original 54616
authority, for the remainder of its previously approved term. 54617

~~A board of education may not submit~~ The submission to the 54618
electors of the school district of the question of replacing a tax 54619
~~more than twice in a~~ under this section is subject to the 54620
limitation under section 5705.214 of the Revised Code on the 54621
number of elections that may be held during any calendar year. ~~If~~ 54622
~~a board submits the question more than once, one of the elections~~ 54623
~~at which the question is submitted shall be on the date of a~~ 54624
~~general election.~~ 54625

If a board of education later intends to renew a replacement 54626
tax levied under this section, it shall repeat the procedure 54627
outlined in this section to do so, the replacement tax then being 54628
levied being the "existing tax" and the renewed replacement tax 54629
being the "replacement tax." 54630

Sec. 5748.022. A majority of the members of a board of 54631
education of a school district levying a tax under section 5748.02 54632
of the Revised Code may adopt a resolution reducing the rate of 54633
the tax by a multiple of one-fourth of one per cent. 54634

The resolution shall set forth the current rate of the tax, 54635
the reduced rate of tax that results from adoption of the 54636

resolution, the purpose or purposes for which the tax is levied, 54637
the remaining number of years the tax will be levied or that it is 54638
levied for a continuing period of time, and the date on which the 54639
reduced tax rate shall take effect, which shall be the ensuing 54640
first day of January occurring at least sixty days after a copy of 54641
the resolution is certified to the tax commissioner. 54642

Sec. 5749.02. (A) For the purpose of providing revenue to 54643
administer the state's coal mining and reclamation regulatory 54644
program, to meet the environmental and resource management needs 54645
of this state, and to reclaim land affected by mining, an excise 54646
tax is hereby levied on the privilege of engaging in the severance 54647
of natural resources from the soil or water of this state. The tax 54648
shall be imposed upon the severer and shall be: 54649

(1) Ten cents per ton of coal; 54650

(2) Four cents per ton of salt; 54651

(3) Two cents per ton of limestone or dolomite; 54652

(4) Two cents per ton of sand and gravel; 54653

(5) Ten cents per barrel of oil; 54654

(6) Two and one-half cents per thousand cubic feet of natural 54655
gas; 54656

(7) One cent per ton of clay, sandstone or conglomerate, 54657
shale, gypsum, or quartzite; 54658

(8) Except as otherwise provided in this division or in rules 54659
adopted by the reclamation forfeiture fund advisory board under 54660
section 1513.182 of the Revised Code, an additional fourteen cents 54661
per ton of coal produced from an area under a coal mining and 54662
reclamation permit issued under Chapter 1513. of the Revised Code 54663
for which the performance security is provided under division 54664
(C)(2) of section 1513.08 of the Revised Code. ~~If~~ Beginning July 54665
1, 2007, if at the end of a fiscal biennium the balance of the 54666

reclamation forfeiture fund created in section 1513.18 of the 54667
Revised Code is equal to or greater than ten million dollars, the 54668
rate levied shall be twelve cents per ton. ~~If~~ Beginning July 1, 54669
2007, if at the end of a fiscal biennium the balance of the fund 54670
is at least five million dollars, but less than ten million 54671
dollars, the rate levied shall be fourteen cents per ton. ~~If~~ 54672
Beginning July 1, 2007, if at the end of a fiscal biennium the 54673
balance of the fund is less than five million dollars, the rate 54674
levied shall be sixteen cents per ton. ~~Not~~ Beginning July 1, 2009, 54675
not later than thirty days after the close of a fiscal biennium, 54676
the chief of the division of mineral resources management shall 54677
certify to the tax commissioner the amount of the balance of the 54678
reclamation forfeiture fund as of the close of the fiscal 54679
biennium. Any necessary adjustment of the rate levied shall take 54680
effect on the first day of the following January and shall remain 54681
in effect during the calendar biennium that begins on that date. 54682

(9) An additional one and two-tenths cents per ton of coal 54683
mined by surface mining methods. 54684

(B) Of the moneys received by the treasurer of state from the 54685
tax levied in division (A)(1) of this section, four and 54686
seventy-six-hundredths per cent shall be credited to the 54687
geological mapping fund created in section 1505.09 of the Revised 54688
Code, eighty and ninety-five-hundredths per cent shall be credited 54689
to the coal mining administration and reclamation reserve fund 54690
created in section 1513.181 of the Revised Code, and fourteen and 54691
twenty-nine-hundredths per cent shall be credited to the 54692
unreclaimed lands fund created in section 1513.30 of the Revised 54693
Code. 54694

Fifteen per cent of the moneys received by the treasurer of 54695
state from the tax levied in division (A)(2) of this section shall 54696
be credited to the geological mapping fund and the remainder shall 54697
be credited to the unreclaimed lands fund. 54698

Of the moneys received by the treasurer of state from the tax 54699
levied in divisions (A)(3) and (4) of this section, seven and 54700
five-tenths per cent shall be credited to the geological mapping 54701
fund, forty-two and five-tenths per cent shall be credited to the 54702
unreclaimed lands fund, and the remainder shall be credited to the 54703
surface mining fund created in section 1514.06 of the Revised 54704
Code. 54705

Of the moneys received by the treasurer of state from the tax 54706
levied in divisions (A)(5) and (6) of this section, ninety per 54707
cent shall be credited to the oil and gas well fund created in 54708
section 1509.02 of the Revised Code and ten per cent shall be 54709
credited to the geological mapping fund. All of the moneys 54710
received by the treasurer of state from the tax levied in division 54711
(A)(7) of this section shall be credited to the surface mining 54712
fund. 54713

All of the moneys received by the treasurer of state from the 54714
tax levied in division (A)(8) of this section shall be credited to 54715
the reclamation forfeiture fund. 54716

All of the moneys received by the treasurer of state from the 54717
tax levied in division (A)(9) of this section shall be credited to 54718
the unreclaimed lands fund. 54719

(C) When, at the close of any fiscal year, the chief finds 54720
that the balance of the reclamation forfeiture fund, plus 54721
estimated transfers to it from the coal mining administration and 54722
reclamation reserve fund under section 1513.181 of the Revised 54723
Code, plus the estimated revenues from the tax levied by division 54724
(A)(8) of this section for the remainder of the calendar year that 54725
includes the close of the fiscal year, are sufficient to complete 54726
the reclamation of lands for which the performance security has 54727
been provided under division (C)(2) of section 1513.08 of the 54728
Revised Code, the purposes for which the tax under division (A)(8) 54729
of this section is levied shall be deemed accomplished at the end 54730

of that calendar year. The chief, within thirty days after the close of the fiscal year, shall certify those findings to the tax commissioner, and the tax levied under division (A)(8) of this section shall cease to be imposed after the last day of that calendar year on coal produced under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code if the permittee has made tax payments under division (A)(8) of this section during each of the preceding five full calendar years. Not later than thirty days after the close of a fiscal year, the chief shall certify to the tax commissioner the identity of any permittees who accordingly no longer are required to pay the tax levied under division (A)(8) of this section.

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of the Revised Code:

(1) "School district," "joint vocational school district," "local taxing unit," ~~"state education aid,"~~ "recognized valuation," "fixed-rate levy," and "fixed-sum levy" have the same meanings as used in section 5727.84 of the Revised Code.

(2) "State education aid" for a school district means the sum of state aid amounts computed for the district under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (L) and (N) of section 3317.024; section 3317.0216; and any unit payments for gifted student services paid under sections 3317.05, 3317.052, and 3317.053 of the Revised Code; except that, for fiscal years 2008 and 2009, the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be substituted for the amount computed under division (D) of section 3317.022 of the Revised Code, and the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section

subsequently may be amended shall be included. 54762

(3) "State education aid" for a joint vocational school district means the sum of the state aid computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included. 54763
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(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code. 54770
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~~(3)~~(5) "Machinery and equipment property tax value loss" 54773
means the amount determined under division (C)(1) of this section. 54774

~~(4)~~(6) "Inventory property tax value loss" means the amount 54775
determined under division (C)(2) of this section. 54776

~~(5)~~(7) "Furniture and fixtures property tax value loss" means 54777
the amount determined under division (C)(3) of this section. 54778

~~(6)~~(8) "Machinery and equipment fixed-rate levy loss" means 54779
the amount determined under division (D)(1) of this section. 54780

~~(7)~~(9) "Inventory fixed-rate levy loss" means the amount 54781
determined under division (D)(2) of this section. 54782

~~(8)~~(10) "Furniture and fixtures fixed-rate levy loss" means 54783
the amount determined under division (D)(3) of this section. 54784

~~(9)~~(11) "Total fixed-rate levy loss" means the sum of the 54785
machinery and equipment fixed-rate levy loss, the inventory 54786
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 54787
loss, and the telephone company fixed-rate levy loss. 54788

~~(10)~~(12) "Fixed-sum levy loss" means the amount determined 54789
under division (E) of this section. 54790

~~(11)~~(13) "Machinery and equipment" means personal property 54791

subject to the assessment rate specified in division (F) of 54792
section 5711.22 of the Revised Code. 54793

~~(12)~~(14) "Inventory" means personal property subject to the 54794
assessment rate specified in division (E) of section 5711.22 of 54795
the Revised Code. 54796

~~(13)~~(15) "Furniture and fixtures" means personal property 54797
subject to the assessment rate specified in division (G) of 54798
section 5711.22 of the Revised Code. 54799

~~(14)~~(16) "Qualifying levies" are levies in effect for tax 54800
year 2004 or applicable to tax year 2005 or approved at an 54801
election conducted before September 1, 2005. For the purpose of 54802
determining the rate of a qualifying levy authorized by section 54803
5705.212 or 5705.213 of the Revised Code, the rate shall be the 54804
rate that would be in effect for tax year 2010. 54805

~~(15)~~(17) "Telephone property" means tangible personal 54806
property of a telephone, telegraph, or interexchange 54807
telecommunications company subject to an assessment rate specified 54808
in section 5727.111 of the Revised Code in tax year 2004. 54809

~~(16)~~(18) "Telephone property tax value loss" means the amount 54810
determined under division (C)(4) of this section. 54811

~~(17)~~(19) "Telephone property fixed-rate levy loss" means the 54812
amount determined under division (D)(4) of this section. 54813

(B) The commercial activities tax receipts fund is hereby 54814
created in the state treasury and shall consist of money arising 54815
from the tax imposed under this chapter. All money in that fund 54816
shall be credited for each fiscal year in the following 54817
percentages to the general revenue fund, to the school district 54818
tangible property tax replacement fund, which is hereby created in 54819
the state treasury for the purpose of making the payments 54820
described in section 5751.21 of the Revised Code, and to the local 54821
government tangible property tax replacement fund, which is hereby 54822

created in the state treasury for the purpose of making the 54823
 payments described in section 5751.22 of the Revised Code, in the 54824
 following percentages: 54825

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	54827
2007	0%	70.0%	30.0%	54828
2008	0%	70.0%	30.0%	54829
2009	0%	70.0%	30.0%	54830
2010	0%	70.0%	30.0%	54831
2011	0%	70.0%	30.0%	54832
2012	5.3%	70.0%	24.7%	54833
2013	19.4%	70.0%	10.6%	54834
2014	14.1%	70.0%	15.9%	54835
2015	17.6%	70.0%	12.4%	54836
2016	21.1%	70.0%	8.9%	54837
2017	24.6%	70.0%	5.4%	54838
2018	28.1%	70.0%	1.9%	54839
2019 and thereafter	100% <u>30%</u>	0% <u>70%</u>	0%	54840

(C) Not later than September 15, 2005, the tax commissioner 54841
 shall determine for each school district, joint vocational school 54842
 district, and local taxing unit its machinery and equipment, 54843
 inventory property, furniture and fixtures property, and telephone 54844
 property tax value losses, which are the applicable amounts 54845
 described in divisions (C)(1), (2), (3), and (4) of this section, 54846
 except as provided in division (C)(5) of this section: 54847

(1) Machinery and equipment property tax value loss is the 54848
 taxable value of machinery and equipment property as reported by 54849
 taxpayers for tax year 2004 multiplied by: 54850

(a) For tax year 2006, thirty-three and eight-tenths per cent;	54851 54852
(b) For tax year 2007, sixty-one and three-tenths per cent;	54853
(c) For tax year 2008, eighty-three per cent;	54854
(d) For tax year 2009 and thereafter, one hundred per cent.	54855
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	54856 54857 54858
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	54859 54860 54861
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	54862 54863
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	54864 54865 54866
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	54867 54868 54869
(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:	54870 54871 54872
(a) For tax year 2006, twenty-five per cent;	54873
(b) For tax year 2007, fifty per cent;	54874
(c) For tax year 2008, seventy-five per cent;	54875
(d) For tax year 2009 and thereafter, one hundred per cent.	54876
The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of	54877 54878 54879

August 31, 2005. Such determinations shall be final except for any 54880
correction of a clerical error that was made prior to August 31, 54881
2005, by the tax commissioner. 54882

(4) Telephone property tax value loss is the taxable value of 54883
telephone property as taxpayers would have reported that property 54884
for tax year 2004 if the assessment rate for all telephone 54885
property for that year were twenty-five per cent, multiplied by: 54886

(a) For tax year 2006, zero per cent; 54887

(b) For tax year 2007, zero per cent; 54888

(c) For tax year 2008, zero per cent; 54889

(d) For tax year 2009, sixty per cent; 54890

(e) For tax year 2010, eighty per cent; 54891

(f) For tax year 2011 and thereafter, one hundred per cent. 54892

(5) Division (C)(5) of this section applies to any school 54893
district, joint vocational school district, or local taxing unit 54894
in a county in which is located a facility currently or formerly 54895
devoted to the enrichment or commercialization of uranium or 54896
uranium products, and for which the total taxable value of 54897
property listed on the general tax list of personal property for 54898
any tax year from tax year 2001 to tax year 2004 was fifty per 54899
cent or less of the taxable value of such property listed on the 54900
general tax list of personal property for the next preceding tax 54901
year. 54902

In computing the fixed-rate levy losses under divisions 54903
(D)(1), (2), and (3) of this section for any school district, 54904
joint vocational school district, or local taxing unit to which 54905
division (C)(5) of this section applies, the taxable value of such 54906
property as listed on the general tax list of personal property 54907
for tax year 2000 shall be substituted for the taxable value of 54908
such property as reported by taxpayers for tax year 2004, in the 54909

taxing district containing the uranium facility, if the taxable 54910
value listed for tax year 2000 is greater than the taxable value 54911
reported by taxpayers for tax year 2004. For the purpose of making 54912
the computations under divisions (D)(1), (2), and (3) of this 54913
section, the tax year 2000 valuation is to be allocated to 54914
machinery and equipment, inventory, and furniture and fixtures 54915
property in the same proportions as the tax year 2004 values. For 54916
the purpose of the calculations in division (A) of section 5751.21 54917
of the Revised Code, the tax year 2004 taxable values shall be 54918
used. 54919

To facilitate the calculations required under division (C) of 54920
this section, the county auditor, upon request from the tax 54921
commissioner, shall provide by August 1, 2005, the values of 54922
machinery and equipment, inventory, and furniture and fixtures for 54923
all single-county personal property taxpayers for tax year 2004. 54924

(D) Not later than September 15, 2005, the tax commissioner 54925
shall determine for each tax year from 2006 through 2009 for each 54926
school district, joint vocational school district, and local 54927
taxing unit its machinery and equipment, inventory, and furniture 54928
and fixtures fixed-rate levy losses, and for each tax year from 54929
2006 through 2011 its telephone property fixed-rate levy loss, 54930
which are the applicable amounts described in divisions (D)(1), 54931
(2), (3), and (4) of this section: 54932

(1) The machinery and equipment fixed-rate levy loss is the 54933
machinery and equipment property tax value loss multiplied by the 54934
sum of the tax rates of fixed-rate qualifying levies. 54935

(2) The inventory fixed-rate loss is the inventory property 54936
tax value loss multiplied by the sum of the tax rates of 54937
fixed-rate qualifying levies. 54938

(3) The furniture and fixtures fixed-rate levy loss is the 54939
furniture and fixture property tax value loss multiplied by the 54940

sum of the tax rates of fixed-rate qualifying levies. 54941

(4) The telephone property fixed-rate levy loss is the 54942
telephone property tax value loss multiplied by the sum of the tax 54943
rates of fixed-rate qualifying levies. 54944

(E) Not later than September 15, 2005, the tax commissioner 54945
shall determine for each school district, joint vocational school 54946
district, and local taxing unit its fixed-sum levy loss. The 54947
fixed-sum levy loss is the amount obtained by subtracting the 54948
amount described in division (E)(2) of this section from the 54949
amount described in division (E)(1) of this section: 54950

(1) The sum of the machinery and equipment property tax value 54951
loss, the inventory property tax value loss, and the furniture and 54952
fixtures property tax value loss, and, for 2008 through 2017 the 54953
telephone property tax value loss of the district or unit 54954
multiplied by the sum of the fixed-sum tax rates of qualifying 54955
levies. For 2006 through 2010, this computation shall include all 54956
qualifying levies remaining in effect for the current tax year and 54957
any school district emergency levies that are qualifying levies 54958
not remaining in effect for the current year. For 2011 through 54959
2017, this computation shall include only qualifying levies 54960
remaining in effect for the current year. For purposes of this 54961
computation, a qualifying school district emergency levy remains 54962
in effect in a year after 2010 only if, for that year, the board 54963
of education levies a school district emergency levy for an annual 54964
sum at least equal to the annual sum levied by the board in tax 54965
year 2004 less the amount of the payment certified under this 54966
division for 2006. 54967

(2) The total taxable value in tax year 2004 less the sum of 54968
the machinery and equipment, inventory, furniture and fixtures, 54969
and telephone property tax value losses in each school district, 54970
joint vocational school district, and local taxing unit multiplied 54971
by one-half of one mill per dollar. 54972

(3) For the calculations in divisions (E)(1) and (2) of this section, the tax value losses are those that would be calculated for tax year 2009 under divisions (C)(1), (2), and (3) of this section and for tax year 2011 under division (C)(4) of this section.

(4) To facilitate the calculation under divisions (D) and (E) of this section, not later than September 1, 2005, any school district, joint vocational school district, or local taxing unit that has a qualifying levy that was approved at an election conducted during 2005 before September 1, 2005, shall certify to the tax commissioner a copy of the county auditor's certificate of estimated property tax millage for such levy as required under division (B) of section 5705.03 of the Revised Code, which is the rate that shall be used in the calculations under such divisions.

If the amount determined under division (E) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the reimbursement to be paid pursuant to division (D) of section 5751.21 or division (A)(3) of section 5751.22 of the Revised Code, and the one-half of one mill that is subtracted under division (E)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion that each levy bears to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(F) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses

calculated under division (E) of this section. The calculations 55005
under divisions (D) and (E) of this section shall separately 55006
display the levy loss for each levy eligible for reimbursement. 55007

(G) Not later than October 1, 2005, the tax commissioner 55008
shall certify the amount of the fixed-sum levy losses to the 55009
county auditor of each county in which a school district, joint 55010
vocational school district, or local taxing unit with a fixed-sum 55011
levy loss reimbursement has territory. 55012

Sec. 5751.21. (A) Not later than the ~~thirty-first~~ fifteenth 55013
day of July of 2007 through 2017, the department of education 55014
shall consult with the director of budget and management and 55015
determine the following for each school district and each joint 55016
vocational school district eligible for payment under division (B) 55017
of this section: 55018

(1) The state education aid offset, which is the difference 55019
obtained by subtracting the amount described in division (A)(1)(b) 55020
of this section from the amount described in division (A)(1)(a) of 55021
this section: 55022

(a) The state education aid computed for the school district 55023
or joint vocational school district for the current fiscal year as 55024
of the ~~thirty-first~~ fifteenth day of July; 55025

(b) The state education aid that would be computed for the 55026
school district or joint vocational school district for the 55027
current fiscal year as of the ~~thirty-first~~ fifteenth day of July 55028
if the recognized valuation included the machinery and equipment, 55029
inventory, furniture and fixtures, and telephone property tax 55030
value losses for the school district or joint vocational school 55031
district for the second preceding tax year. 55032

(2) The greater of zero or the difference obtained by 55033
subtracting the state education aid offset determined under 55034

division (A)(1) of this section from the sum of the machinery and 55035
equipment fixed-rate levy loss, the inventory fixed-rate levy 55036
loss, furniture and fixtures fixed-rate levy loss, and telephone 55037
property fixed-rate levy loss certified under division (F) of 55038
section 5751.20 of the Revised Code for all taxing districts in 55039
each school district and joint vocational school district for the 55040
second preceding tax year. 55041

By the ~~fifth~~ twentieth day of ~~August~~ July of each such year, 55042
the department of education and the director of budget and 55043
management shall ~~certify~~ agree upon the amount ~~to be~~ determined 55044
under division (A)(1) of this section ~~to the director of budget~~ 55045
~~and management.~~ 55046

(B) The department of education shall pay from the school 55047
district tangible property tax replacement fund to each school 55048
district and joint vocational school district all of the following 55049
for fixed-rate levy losses certified under division (F) of section 55050
5751.20 of the Revised Code: 55051

(1) On or before May 31, 2006, one-seventh of the total 55052
fixed-rate levy loss for tax year 2006; 55053

(2) On or before August 31, 2006, and October 31, 2006, 55054
one-half of six-sevenths of the total fixed-rate levy loss for tax 55055
year 2006; 55056

(3) On or before May 31, 2007, one-seventh of the total 55057
fixed-rate levy loss for tax year 2007; 55058

(4) On or before August 31, 2007, and October 31, 2007, 55059
forty-three per cent of the amount determined under division 55060
(A)(2) of this section for fiscal year 2008, but not less than 55061
zero, plus one-half of six-sevenths of the difference between the 55062
total fixed-rate levy loss for tax year 2007 and the total 55063
fixed-rate levy loss for tax year 2006. 55064

(5) On or before May 31, 2008, fourteen per cent of the 55065

amount determined under division (A)(2) of this section for fiscal 55066
year 2008, but not less than zero, plus one-seventh of the 55067
difference between the total fixed-rate levy loss for tax year 55068
2008 and the total fixed-rate levy loss for tax year 2006. 55069

(6) On or before August 31, 2008, and October 31, 2008, 55070
forty-three per cent of the amount determined under division 55071
(A)(2) of this section for fiscal year 2009, but not less than 55072
zero, plus one-half of six-sevenths of the difference between the 55073
total fixed-rate levy loss in tax year 2008 and the total 55074
fixed-rate levy loss in tax year 2007. 55075

(7) On or before May 31, 2009, fourteen per cent of the 55076
amount determined under division (A)(2) of this section for fiscal 55077
year 2009, but not less than zero, plus one-seventh of the 55078
difference between the total fixed-rate levy loss for tax year 55079
2009 and the total fixed-rate levy loss for tax year 2007. 55080

(8) On or before August 31, 2009, and October 31, 2009, 55081
forty-three per cent of the amount determined under division 55082
(A)(2) of this section for fiscal year 2010, but not less than 55083
zero, plus one-half of six-sevenths of the difference between the 55084
total fixed-rate levy loss in tax year 2009 and the total 55085
fixed-rate levy loss in tax year 2008. 55086

(9) On or before May 31, 2010, fourteen per cent of the 55087
amount determined under division (A)(2) of this section for fiscal 55088
year 2010, but not less than zero, plus one-seventh of the 55089
difference between the total fixed-rate levy loss in tax year 2010 55090
and the total fixed-rate levy loss in tax year 2008. 55091

(10) On or before August 31, 2010, and October 31, 2010, 55092
one-third of the amount determined under division (A)(2) of this 55093
section for fiscal year 2011, but not less than zero, plus 55094
one-half of six-sevenths of the difference between the telephone 55095
property fixed-rate levy loss for tax year 2010 and the telephone 55096

property fixed-rate levy loss for tax year 2009. 55097

(11) On or before May 31, 2011, fourteen per cent of the 55098
amount determined under division (A)(2) of this section for fiscal 55099
year 2011, but not less than zero, plus one-seventh of the 55100
difference between the telephone property fixed-rate levy loss for 55101
tax year 2011 and the telephone property fixed-rate levy loss for 55102
tax year 2009. 55103

(12) On or before August 31, 2011, October 31, 2011, and May 55104
31, 2012, the amount determined under division (A)(2) of this 55105
section multiplied by a fraction, the numerator of which is 55106
fourteen and the denominator of which is seventeen, but not less 55107
than zero, multiplied by one-third, plus one-half of six-sevenths 55108
of the difference between the telephone property fixed-rate levy 55109
loss for tax year 2011 and the telephone property fixed-rate levy 55110
loss for tax year 2010. 55111

(13) On or before May 31, 2012, fourteen per cent of the 55112
amount determined under division (A)(2) of this section for fiscal 55113
year 2012, multiplied by a fraction, the numerator of which is 55114
fourteen and the denominator of which is seventeen, plus 55115
one-seventh of the difference between the telephone property 55116
fixed-rate levy loss for tax year 2011 and the telephone property 55117
fixed-rate levy loss for tax year 2010. 55118

(14) On or before August 31, 2012, October 31, 2012, and May 55119
31, 2013, the amount determined under division (A)(2) of this 55120
section multiplied by a fraction, the numerator of which is eleven 55121
and the denominator of which is seventeen, but not less than zero, 55122
multiplied by one-third. 55123

(15) On or before August 31, 2013, October 31, 2013, and May 55124
31, 2014, the amount determined under division (A)(2) of this 55125
section multiplied by a fraction, the numerator of which is nine 55126
and the denominator of which is seventeen, but not less than zero, 55127

multiplied by one-third. 55128

(16) On or before August 31, 2014, October 31, 2014, and May 55129
31, 2015, the amount determined under division (A)(2) of this 55130
section multiplied by a fraction, the numerator of which is seven 55131
and the denominator of which is seventeen, but not less than zero, 55132
multiplied by one-third. 55133

(17) On or before August 31, 2015, October 31, 2015, and May 55134
31, 2016, the amount determined under division (A)(2) of this 55135
section multiplied by a fraction, the numerator of which is five 55136
and the denominator of which is seventeen, but not less than zero, 55137
multiplied by one-third. 55138

(18) On or before August 31, 2016, October 31, 2016, and May 55139
31, 2017, the amount determined under division (A)(2) of this 55140
section multiplied by a fraction, the numerator of which is three 55141
and the denominator of which is seventeen, but not less than zero, 55142
multiplied by one-third. 55143

(19) On or before August 31, 2017, October 31, 2017, and May 55144
31, 2018, the amount determined under division (A)(2) of this 55145
section multiplied by a fraction, the numerator of which is one 55146
and the denominator of which is seventeen, but not less than zero, 55147
multiplied by one-third. 55148

~~(20) After May 31, 2018, no payments shall be made under this 55149
section. 55150~~

The department of education shall report to each school 55151
district and joint vocational school district the apportionment of 55152
the payments among the school district's or joint vocational 55153
school district's funds based on the certifications under division 55154
(F) of section 5751.20 of the Revised Code. 55155

Any qualifying levy that is a fixed-rate levy that is not 55156
applicable to a tax year after 2010 does not qualify for any 55157
reimbursement after the tax year to which it is last applicable. 55158

(C) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, but those payments shall extend from fiscal year 2006 through fiscal year 2018, as long as the qualifying levy continues to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payments determined in division (B) of this section.

(D)(1) Not later than January 1, 2006, for each fixed-sum levy of each school district or joint vocational school district and for each year for which a determination is made under division (F) of section 5751.20 of the Revised Code that a fixed-sum levy loss is to be reimbursed, the tax commissioner shall certify to the department of education the fixed-sum levy loss determined under that division. The certification shall cover a time period sufficient to include all fixed-sum levies for which the commissioner made such a determination. The department shall pay from the school district property tax replacement fund to the school district or joint vocational school district one-third of the fixed-sum levy loss so certified for each year on or before the last day of May, August, and October of the current year.

(2) Beginning in 2006, by the first day of January of each year, the tax commissioner shall review the certification originally made under division (D)(1) of this section. If the commissioner determines that a debt levy that had been scheduled to be reimbursed in the current year has expired, a revised certification for that and all subsequent years shall be made to the department of education.

(E) Beginning in September 2007 and through June 2018, the director of budget and management shall transfer from the school district tangible property tax replacement fund to the general revenue fund each of the following:

(1) On the first day of September, ~~the lesser of one-fourth~~ 55191
of the amount ~~certified~~ determined for that fiscal year under 55192
division (A)(1) of this section ~~or the balance in the school~~ 55193
~~district tangible property tax replacement fund;~~ 55194

(2) On the first day of December, ~~the lesser of one-fourth of~~ 55195
the amount ~~certified~~ determined for that fiscal year under 55196
division (A)(1) of this section ~~or the balance in the school~~ 55197
~~district tangible property tax replacement fund;~~ 55198

(3) On the first day of March, ~~the lesser of one-fourth of~~ 55199
the amount ~~certified~~ determined for that fiscal year under 55200
division (A)(1) of this section ~~or the balance in the school~~ 55201
~~district tangible property tax replacement fund;~~ 55202

(4) On the first day of June, ~~the lesser of one-fourth of the~~ 55203
amount ~~certified~~ determined for that fiscal year under division 55204
(A)(1) of this section ~~or the balance in the school district~~ 55205
~~tangible property tax replacement fund.~~ 55206

If, when a transfer is required under division (E)(1), (2), 55207
(3), or (4) of this section, there is not sufficient money in the 55208
school district tangible property tax replacement fund to make the 55209
transfer in the required amount, the director shall transfer the 55210
balance in the fund to the general revenue fund and may make 55211
additional transfers on later dates as determined by the director 55212
in a total amount that does not exceed one-fourth of the amount 55213
determined for the fiscal year. 55214

(F) For each of the fiscal years 2006 through 2018, if the 55215
total amount in the school district tangible property tax 55216
replacement fund is insufficient to make all payments under 55217
divisions (B), (C), and (D) of this section at the times the 55218
payments are to be made, the director of budget and management 55219
shall transfer from the general revenue fund to the school 55220
district tangible property tax replacement fund the difference 55221

between the total amount to be paid and the amount in the school 55222
district tangible property tax replacement fund. For each fiscal 55223
year after 2018, at the time payments under division (D) of this 55224
section are to be made, the director of budget and management 55225
shall transfer from the general revenue fund to the school 55226
district property tax replacement fund the amount necessary to 55227
make such payments. 55228

(G)(1) On the fifteenth day of June of 2006 through 2011, the 55229
director of budget and management may transfer any balance in the 55230
school district tangible property tax replacement fund to the 55231
general revenue fund. At the end of fiscal years 2012 through 55232
2018, any balance in the school district tangible property tax 55233
replacement fund shall remain in the fund to be used in future 55234
fiscal years for school purposes. 55235

(2) In each fiscal year beginning with fiscal year 2019, all 55236
amounts credited to the school district tangible personal property 55237
tax replacement fund shall be appropriated for school purposes. 55238

(H) If all of the territory of a school district or joint 55239
vocational school district is merged with another district, or if 55240
a part of the territory of a school district or joint vocational 55241
school district is transferred to an existing or newly created 55242
district, the department of education, in consultation with the 55243
tax commissioner, shall adjust the payments made under this 55244
section as follows: 55245

(1) For a merger of two or more districts, the machinery and 55246
equipment, inventory, furniture and fixtures, and telephone 55247
property fixed-rate levy losses and the fixed-sum levy losses of 55248
the successor district shall be equal to the sum of the machinery 55249
and equipment, inventory, furniture and fixtures, and telephone 55250
property fixed-rate levy losses and debt levy losses as determined 55251
in section 5751.20 of the Revised Code, for each of the districts 55252
involved in the merger. 55253

(2) If property is transferred from one district to a previously existing district, the amount of machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses and fixed-rate levy losses that shall be transferred to the recipient district shall be an amount equal to the total machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses times a fraction, the numerator of which is the value of business tangible personal property on the land being transferred in the most recent year for which data are available, and the denominator of which is the total value of business tangible personal property in the district from which the land is being transferred in the most recent year for which data are available. For each of the first five years after the property is transferred, but not after fiscal year 2012, if the tax rate in the recipient district is less than the tax rate of the district from which the land was transferred, one-half of the payments arising from the amount of fixed-rate levy losses so transferred to the recipient district shall be paid to the recipient district and one-half of the payments arising from the fixed-rate levy losses so transferred shall be paid to the district from which the land was transferred. Fixed-rate levy losses so transferred shall be computed on the basis of the sum of the rates of fixed-rate qualifying levies of the district from which the land was transferred, notwithstanding division (D) of this section.

(3) After December 31, 2004, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any machinery and equipment, inventory, furniture and fixtures, or telephone property fixed-rate levy losses and the districts from which the property was transferred shall have no reduction in their machinery and equipment, inventory, furniture and fixtures, and telephone property

fixed-rate levy losses. 55287

(4) If the recipient district under division (H)(2) of this 55288
section or the newly created district under divisions (H)(3) of 55289
this section is assuming debt from one or more of the districts 55290
from which the property was transferred and any of the districts 55291
losing the property had fixed-sum levy losses, the department of 55292
education, in consultation with the tax commissioner, shall make 55293
an equitable division of the fixed-sum levy loss reimbursements. 55294

Sec. 5751.23. (A) As used in this section: 55295

(1) "Administrative fees" means the dollar percentages 55296
allowed by the county auditor for services or by the county 55297
treasurer as fees, or paid to the credit of the real estate 55298
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 55299
and division (A) of section 321.26 of the Revised Code. 55300

(2) "Administrative fee loss" means a county's loss of 55301
administrative fees due to its tax value loss, determined as 55302
follows: 55303

(a) For purposes of the determination made under division (B) 55304
of this section in the years 2006 through 2010, the administrative 55305
fee loss shall be computed by multiplying the amounts determined 55306
for all taxing districts in the county under divisions (D) and (E) 55307
of section 5751.20 of the Revised Code by nine thousand six 55308
hundred fifty-nine ten-thousandths of one per cent if total taxes 55309
collected in the county in 2004 exceeded one hundred fifty million 55310
dollars, or one and one thousand one hundred fifty-nine 55311
ten-thousandths of one per cent if total taxes collected in the 55312
county in 2004 were one hundred fifty million dollars or less; 55313

(b) For purposes of the determination under division (B) of 55314
this section in the years after 2010, the administrative fee 55315
losses shall be determined by multiplying the administrative fee 55316

losses calculated for 2010 by the fractions in divisions (A)(1)(b) 55317
to (i) of section 5751.22 of the Revised Code. 55318

(3) "Total taxes collected" means all money collected on any 55319
tax duplicate of the county, other than the estate tax duplicates. 55320
"Total taxes collected" does not include amounts received pursuant 55321
to divisions (F) and (G) of section 321.24 or section 323.156 of 55322
the Revised Code. 55323

(B) Not later than December 31, 2005, the tax commissioner 55324
shall certify to each county auditor the tax levy losses 55325
calculated under divisions (D) and (E) of section 5751.20 of the 55326
Revised Code for each school district, joint vocational school 55327
district, and local taxing unit in the county. Not later than the 55328
thirty-first day of January of 2006 through 2017, the county 55329
auditor shall determine the administrative fee loss for the county 55330
and apportion that loss ratably among the school districts, joint 55331
vocational school districts, and local taxing units on the basis 55332
of the tax levy losses certified under this division. 55333

(C) On or before each of the days prescribed for the 55334
settlements under divisions (A) and (C) of section 321.24 of the 55335
Revised Code in the years 2006 through 2017, the county treasurer 55336
shall deduct one-half of the amount apportioned to each school 55337
district, joint vocational school district, and local taxing unit 55338
from the portions of revenue payable to them. 55339

(D) On or before each of the days prescribed for settlements 55340
under divisions (A) and (C) of section 321.24 of the Revised Code 55341
in the years 2006 through 2017, the county auditor shall cause to 55342
be deposited an amount equal to one-half of the amount of the 55343
administrative fee loss in the same funds as if allowed as 55344
administrative fees. 55345

Sec. 5907.15. There is hereby created in the state treasury 55346
the Ohio veterans' homes rental, and service, ~~and medicare~~ 55347

~~reimbursement~~ fund. Revenue generated from temporary use 55348
agreements of a veterans' home, from the sale of meals at a home's 55349
dining halls, and from rental, lease, or sharing agreements for 55350
the use of facilities, supplies, equipment, utilities, or services 55351
provided by a home, ~~and from medicare reimbursements~~ shall be 55352
credited to the fund. The fund shall be used ~~only~~ for maintenance 55353
costs of the homes and for the purchase of medications, medication 55354
services, medical supplies, and medical equipment by the homes. 55355

Sec. 5907.16. There is hereby created in the state treasury 55356
the medicare services fund. Revenue from federal reimbursement of 55357
medicare services that were provided at state veterans' homes 55358
shall be credited to the fund. The fund shall be used for paying 55359
the operating costs of the state veterans' homes. 55360

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 55361
of this section, on and after January 1, 1994, no person shall 55362
operate or maintain a public water system in this state without a 55363
license issued by the director of environmental protection. A 55364
person who operates or maintains a public water system on January 55365
1, 1994, shall obtain an initial license under this section in 55366
accordance with the following schedule: 55367

(1) If the public water system is a community water system, 55368
not later than January 31, 1994; 55369

(2) If the public water system is not a community water 55370
system and serves a nontransient population, not later than 55371
January 31, 1994; 55372

(3) If the public water system is not a community water 55373
system and serves a transient population, not later than January 55374
31, 1995. 55375

A person proposing to operate or maintain a new public water 55376
system after January 1, 1994, in addition to complying with 55377

section 6109.07 of the Revised Code and rules adopted under it, 55378
shall submit an application for an initial license under this 55379
section to the director prior to commencing operation of the 55380
system. 55381

A license or license renewal issued under this section shall 55382
be renewed annually. Such a license or license renewal shall 55383
expire on the thirtieth day of January in the year following its 55384
issuance. A license holder that proposes to continue operating the 55385
public water system for which the license or license renewal was 55386
issued shall apply for a license renewal at least thirty days 55387
prior to that expiration date. 55388

The director shall adopt, and may amend and rescind, rules in 55389
accordance with Chapter 119. of the Revised Code establishing 55390
procedures governing and information to be included on 55391
applications for licenses and license renewals under this section. 55392
Through June 30, ~~2008~~ 2010, each application shall be accompanied 55393
by the appropriate fee established under division (M) of section 55394
3745.11 of the Revised Code, provided that an applicant for an 55395
initial license who is proposing to operate or maintain a new 55396
public water system after January 1, 1994, shall submit a fee that 55397
equals a prorated amount of the appropriate fee established under 55398
that division for the remainder of the licensing year. 55399

(B) Not later than thirty days after receiving a completed 55400
application and the appropriate license fee for an initial license 55401
under division (A) of this section, the director shall issue the 55402
license for the public water system. Not later than thirty days 55403
after receiving a completed application and the appropriate 55404
license fee for a license renewal under division (A) of this 55405
section, the director shall do one of the following: 55406

(1) Issue the license renewal for the public water system; 55407

(2) Issue the license renewal subject to terms and conditions 55408

that the director determines are necessary to ensure compliance 55409
with this chapter and rules adopted under it; 55410

(3) Deny the license renewal if the director finds that the 55411
public water system was not operated in substantial compliance 55412
with this chapter and rules adopted under it. 55413

(C) The director may suspend or revoke a license or license 55414
renewal issued under this section if the director finds that the 55415
public water system was not operated in substantial compliance 55416
with this chapter and rules adopted under it. The director shall 55417
adopt, and may amend and rescind, rules in accordance with Chapter 55418
119. of the Revised Code governing such suspensions and 55419
revocations. 55420

(D)(1) As used in division (D) of this section, "church" 55421
means a fellowship of believers, congregation, society, 55422
corporation, convention, or association that is formed primarily 55423
or exclusively for religious purposes and that is not formed or 55424
operated for the private profit of any person. 55425

(2) This section does not apply to a church that operates or 55426
maintains a public water system solely to provide water for that 55427
church or for a campground that is owned by the church and 55428
operated primarily or exclusively for members of the church and 55429
their families. A church that, on or before March 5, 1996, has 55430
obtained a license under this section for such a public water 55431
system need not obtain a license renewal under this section. 55432

(E) This section does not apply to any public or nonpublic 55433
school that meets minimum standards of the state board of 55434
education that operates or maintains a public water system solely 55435
to provide water for that school. 55436

Sec. 6111.0381. There is hereby created in the state treasury 55437
the water quality protection fund. The fund shall consist of 55438

federal grants, including grants made pursuant to the Federal 55439
Water Pollution Control Act, and contributions made to the 55440
environmental protection agency for water quality protection and 55441
restoration. The director of environmental protection shall use 55442
money in the fund for water quality protection and restoration. 55443

Sec. 6111.04. (A) Both of the following apply except as 55444
otherwise provided in division (A) or (F) of this section: 55445

(1) No person shall cause pollution or place or cause to be 55446
placed any sewage, sludge, sludge materials, industrial waste, or 55447
other wastes in a location where they cause pollution of any 55448
waters of the state. 55449

(2) Such an action prohibited under division (A)(1) of this 55450
section is hereby declared to be a public nuisance. 55451

Divisions (A)(1) and (2) of this section do not apply if the 55452
person causing pollution or placing or causing to be placed wastes 55453
in a location in which they cause pollution of any waters of the 55454
state holds a valid, unexpired permit, or renewal of a permit, 55455
governing the causing or placement as provided in sections 6111.01 55456
to 6111.08 of the Revised Code or if the person's application for 55457
renewal of such a permit is pending. 55458

(B) If the director of environmental protection administers a 55459
sludge management program pursuant to division (S) of section 55460
6111.03 of the Revised Code, both of the following apply except as 55461
otherwise provided in division (B) or (F) of this section: 55462

(1) No person, in the course of sludge management, shall 55463
place on land located in the state or release into the air of the 55464
state any sludge or sludge materials. 55465

(2) An action prohibited under division (B)(1) of this 55466
section is hereby declared to be a public nuisance. 55467

Divisions (B)(1) and (2) of this section do not apply if the 55468

person placing or releasing the sludge or sludge materials holds a 55469
valid, unexpired permit, or renewal of a permit, governing the 55470
placement or release as provided in sections 6111.01 to 6111.08 of 55471
the Revised Code or if the person's application for renewal of 55472
such a permit is pending. 55473

(C) No person to whom a permit has been issued shall place or 55474
discharge, or cause to be placed or discharged, in any waters of 55475
the state any sewage, sludge, sludge materials, industrial waste, 55476
or other wastes in excess of the permissive discharges specified 55477
under an existing permit without first receiving a permit from the 55478
director to do so. 55479

(D) No person to whom a sludge management permit has been 55480
issued shall place on the land or release into the air of the 55481
state any sludge or sludge materials in excess of the permissive 55482
amounts specified under the existing sludge management permit 55483
without first receiving a modification of the existing sludge 55484
management permit or a new sludge management permit to do so from 55485
the director. 55486

(E) The director may require the submission of plans, 55487
specifications, and other information that the director considers 55488
relevant in connection with the issuance of permits. 55489

(F) This section does not apply to any of the following: 55490

(1) Waters used in washing sand, gravel, other aggregates, or 55491
mineral products when the washing and the ultimate disposal of the 55492
water used in the washing, including any sewage, industrial waste, 55493
or other wastes contained in the waters, are entirely confined to 55494
the land under the control of the person engaged in the recovery 55495
and processing of the sand, gravel, other aggregates, or mineral 55496
products and do not result in the pollution of waters of the 55497
state; 55498

(2) Water, gas, or other material injected into a well to 55499

facilitate, or that is incidental to, the production of oil, gas, 55500
artificial brine, or water derived in association with oil or gas 55501
production and disposed of in a well, in compliance with a permit 55502
issued under Chapter 1509. of the Revised Code, or sewage, 55503
industrial waste, or other wastes injected into a well in 55504
compliance with an injection well operating permit. Division 55505
(F)(2) of this section does not authorize, without a permit, any 55506
discharge that is prohibited by, or for which a permit is required 55507
by, regulation of the United States environmental protection 55508
agency. 55509

(3) Application of any materials to land for agricultural 55510
purposes or runoff of the materials from that application or 55511
pollution by animal waste or soil sediment, including attached 55512
substances, resulting from farming, silvicultural, or earthmoving 55513
activities regulated by Chapter 307. or 1511. of the Revised Code. 55514
Division (F)(3) of this section does not authorize, without a 55515
permit, any discharge that is prohibited by, or for which a permit 55516
is required by, the Federal Water Pollution Control Act or 55517
regulations adopted under it. 55518

(4) The excrement of domestic and farm animals defecated on 55519
land or runoff therefrom into any waters of the state. Division 55520
(F)(4) of this section does not authorize, without a permit, any 55521
discharge that is prohibited by, or for which a permit is required 55522
by, the Federal Water Pollution Control Act or regulations adopted 55523
under it. 55524

(5) On and after the date on which the United States 55525
environmental protection agency approves the NPDES program 55526
submitted by the director of agriculture under section 903.08 of 55527
the Revised Code, any discharge that is within the scope of the 55528
approved NPDES program submitted by the director of agriculture; 55529

(6) The discharge of sewage, industrial waste, or other 55530
wastes into a sewerage system tributary to a treatment works. 55531

Division (F)(6) of this section does not authorize any discharge 55532
into a publicly owned treatment works in violation of a 55533
pretreatment program applicable to the publicly owned treatment 55534
works. 55535

(7) ~~A household sewage treatment system or a small flow~~ 55536
~~on-site sewage treatment system, as applicable, as defined in~~ 55537
~~section 3718.01 of the Revised Code that is installed~~ Septic tanks 55538
or other disposal systems for the disposal or treatment of sewage 55539
from single-family, two-family, or three-family dwellings in 55540
compliance with ~~Chapter 3718. the sanitary code and section~~ 55541
3707.01 of the Revised Code ~~and rules adopted under it.~~ Division 55542
(F)(7) of this section does not authorize, without a permit, any 55543
discharge that is prohibited by, or for which a permit is required 55544
by, regulation of the United States environmental protection 55545
agency. 55546

(8) Exceptional quality sludge generated outside of this 55547
state and contained in bags or other containers not greater than 55548
one hundred pounds in capacity. As used in division (F)(8) of this 55549
section, "exceptional quality sludge" has the same meaning as in 55550
division (Y) of section 3745.11 of the Revised Code. 55551

(G) The holder of a permit issued under section 402 (a) of 55552
the Federal Water Pollution Control Act need not obtain a permit 55553
for a discharge authorized by the permit until its expiration 55554
date. Except as otherwise provided in this division, the director 55555
of environmental protection shall administer and enforce those 55556
permits within this state and may modify their terms and 55557
conditions in accordance with division (J) of section 6111.03 of 55558
the Revised Code. On and after the date on which the United States 55559
environmental protection agency approves the NPDES program 55560
submitted by the director of agriculture under section 903.08 of 55561
the Revised Code, the director of agriculture shall administer and 55562
enforce those permits within this state that are issued for any 55563

discharge that is within the scope of the approved NPDES program 55564
submitted by the director of agriculture. 55565

Sec. 6111.44. (A) Except as otherwise provided in division 55566
(B) of this section, in section 6111.14 of the Revised Code, or in 55567
rules adopted under division (G) of section 6111.03 of the Revised 55568
Code, no municipal corporation, county, public institution, 55569
corporation, or officer or employee thereof or other person shall 55570
provide or install sewerage or treatment works for sewage, sludge, 55571
or sludge materials disposal or treatment or make a change in any 55572
sewerage or treatment works until the plans therefor have been 55573
submitted to and approved by the director of environmental 55574
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 55575
to sewerage and treatment works of a municipal corporation or part 55576
thereof, an unincorporated community, a county sewer district, or 55577
other land outside of a municipal corporation or any publicly or 55578
privately owned building or group of buildings or place, used for 55579
the assemblage, entertainment, recreation, education, correction, 55580
hospitalization, housing, or employment of persons. 55581

In granting an approval, the director may stipulate 55582
modifications, conditions, and rules that the public health and 55583
prevention of pollution may require. Any action taken by the 55584
director shall be a matter of public record and shall be entered 55585
in the director's journal. Each period of thirty days that a 55586
violation of this section continues, after a conviction for the 55587
violation, constitutes a separate offense. 55588

(B) Sections 6111.45 and 6111.46 of the Revised Code and 55589
division (A) of this section do not apply to any of the following: 55590

(1) Sewerage or treatment works for sewage installed or to be 55591
installed for the use of a private residence or dwelling; 55592

(2) Sewerage systems, treatment works, or disposal systems 55593
for storm water from an animal feeding facility or manure, as 55594

"animal feeding facility" and "manure" are defined in section 55595
903.01 of the Revised Code; 55596

(3) Animal waste treatment or disposal works and related 55597
management and conservation practices that are subject to rules 55598
adopted under division (E)(2) of section 1511.02 of the Revised 55599
Code; 55600

~~(4) Sewerage or treatment works for the on lot disposal or 55601
treatment of sewage from a small flow on site sewage treatment 55602
system, as defined in section 3718.01 of the Revised Code, if the 55603
board of health of a city or general health district has notified 55604
the director of health and the director of environmental 55605
protection under section 3718.021 of the Revised Code that the 55606
board has chosen to regulate the system, provided that the board 55607
remains in compliance with the rules adopted under division 55608
(A)(13) of section 3718.02 of the Revised Code. 55609~~

The exclusions established in divisions (B)(2) and (3) of 55610
this section do not apply to the construction or installation of 55611
disposal systems, as defined in section 6111.01 of the Revised 55612
Code, that are located at an animal feeding facility and that 55613
store, treat, or discharge wastewaters that do not include storm 55614
water or manure or that discharge to a publicly owned treatment 55615
works. 55616

Sec. 6119.06. Upon the declaration of the court of common 55617
pleas organizing the regional water and sewer district pursuant to 55618
section 6119.04 of the Revised Code and upon the qualifying of its 55619
board of trustees and the election of a president and a secretary, 55620
said district shall exercise in its own name all the rights, 55621
powers, and duties vested in it by Chapter 6119. of the Revised 55622
Code, and, subject to such reservations, limitations and 55623
qualifications as are set forth in this Chapter, such district 55624
may: 55625

(A) Adopt bylaws for the regulation of its affairs, the	55626
conduct of its business, and notice of its actions;	55627
(B) Adopt an official seal;	55628
(C) Maintain a principal office and suboffices at such places	55629
within the district as it designates;	55630
(D) Sue and plead in its own name; be sued and impleaded in	55631
its own name with respect to its contracts or torts of its	55632
members, employees, or agents acting within the scope of their	55633
employment, or to enforce its obligations and covenants made under	55634
sections 6119.09, 6119.12, and 6119.14 of the Revised Code. Any	55635
such actions against the district shall be brought in the court of	55636
common pleas of the county in which the principal office of the	55637
district is located, or in the court of common pleas of the county	55638
in which the cause of action arose, and all summonses, exceptions,	55639
and notices of every kind shall be served on the district by	55640
leaving a copy thereof at the principal office with the person in	55641
charge thereof or with the secretary of the district;	55642
(E) Assume any liability or obligation of any person or	55643
political subdivision, including a right on the part of such	55644
district to indemnify and save harmless the other contracting	55645
party from any loss, cost, or liability by reason of the failure,	55646
refusal, neglect, or omission of such district to perform any	55647
agreement assumed by it or to act or discharge any such	55648
obligation;	55649
(F) Make loans and grants to political subdivisions for the	55650
acquisition or construction of water resource projects by such	55651
political subdivisions and adopt rules, regulations, and	55652
procedures for making such loans and grants;	55653
(G) Acquire, construct, reconstruct, enlarge, improve,	55654
furnish, equip, maintain, repair, operate, lease or rent to or	55655
from, or contract for operation by or for, a political subdivision	55656

or person, water resource projects within or without the district; 55657

(H) Make available the use or service of any water resource 55658
project to one or more persons, one or more political 55659
subdivisions, or any combination thereof; 55660

(I) Levy and collect taxes and special assessments; 55661

(J) Issue bonds and notes and refunding bonds and notes as 55662
provided in Chapter 6119. of the Revised Code; 55663

(K) Acquire by gift or purchase, hold, and dispose of real 55664
and personal property in the exercise of its powers and the 55665
performance of its duties under Chapter 6119. of the Revised Code; 55666

(L) Dispose of, by public or private sale, or lease any real 55667
or personal property determined by the board of trustees to be no 55668
longer necessary or needed for the operation or purposes of the 55669
district; 55670

(M) Acquire, in the name of the district, by purchase or 55671
otherwise, on such terms and in such manner as it considers 55672
proper, or by the exercise of the right of condemnation in the 55673
manner provided by section 6119.11 of the Revised Code, such 55674
public or private lands, including public parks, playgrounds, or 55675
reservations, or parts thereof or rights therein, rights-of-way, 55676
property, rights, easements, and interests as it considers 55677
necessary for carrying out Chapter 6119. of the Revised Code, but 55678
excluding the acquisition by the exercise of the right of 55679
condemnation of any waste water facility or water management 55680
facility owned by any person or political subdivision, and 55681
compensation shall be paid for public or private lands so taken; 55682

(N) Adopt rules and regulations to protect augmented flow by 55683
the district in waters of the state, to the extent augmented by a 55684
water resource project, from depletion so it will be available for 55685
beneficial use, to provide standards for the withdrawal from 55686
waters of the state of the augmented flow created by a water 55687

resource project which is not returned to the waters of the state 55688
so augmented, and to establish reasonable charges therefor, if 55689
considered necessary by the district; 55690

(O) Make and enter into all contracts and agreements and 55691
execute all instruments necessary or incidental to the performance 55692
of its duties and the execution of its powers under Chapter 6119. 55693
of the Revised Code; 55694

(P) Enter into contracts with any person or any political 55695
subdivision to render services to such contracting party for any 55696
service the district is authorized to provide; 55697

(Q) Enter into agreements for grants or the receipt and 55698
repayment of loans from a board of township trustees under section 55699
505.705 of the Revised Code; 55700

(R) Make provision for, contract for, or sell any of its 55701
by-products or waste; 55702

~~(R)~~(S) Exercise the power of eminent domain in the manner 55703
provided in Chapter 6119. of the Revised Code; 55704

~~(S)~~(T) Remove or change the location of any fence, building, 55705
railroad, canal, or other structure or improvement located in or 55706
out of the district, and in case it is not feasible or economical 55707
to move any such building, structure, or improvement situated in 55708
or upon lands required, and if the cost is determined by the board 55709
to be less than that of purchase or condemnation, to acquire land 55710
and construct, acquire, or install therein or thereon buildings, 55711
structures, or improvements similar in purpose, to be exchanged 55712
for such buildings, structures, or improvements under contracts 55713
entered into between the owner thereof and the district; 55714

~~(T)~~(U) Receive and accept, from any federal or state agency, 55715
grants for or in aid of the construction of any water resource 55716
project, and receive and accept aid or contributions from any 55717
source of money, property, labor, or other things of value, to be 55718

held, used, and applied only for the purposes for which such 55719
grants and contributions are made; 55720

~~(U)~~(V) Purchase fire and extended coverage and liability 55721
insurance for any water resource project and for the principal 55722
office and suboffices of the district, insurance protecting the 55723
district and its officers and employees against liability for 55724
damage to property or injury to or death of persons arising from 55725
its operations, and any other insurance the district may agree to 55726
provide under any resolution authorizing its water resource 55727
revenue bonds or in any trust agreement securing the same; 55728

~~(V)~~(W) Charge, alter, and collect rentals and other charges 55729
for the use of services of any water resource project as provided 55730
in section 6119.09 of the Revised Code. Such district may refuse 55731
the services of any of its projects if any of such rentals or 55732
other charges, including penalties for late payment, are not paid 55733
by the user thereof, and, if such rentals or other charges are not 55734
paid when due and upon certification of nonpayment to the county 55735
auditor, such rentals or other charges constitute a lien upon the 55736
property so served, shall be placed by ~~him~~ the auditor upon the 55737
real property tax list and duplicate, and shall be collected in 55738
the same manner as other taxes; 55739

~~(W)~~(X) Provide coverage for its employees under Chapters 55740
145., 4123., and 4141. of the Revised Code; 55741

~~(X)~~(Y) Merge or combine with any other regional water and 55742
sewer district into a single district, which shall be one of the 55743
constituent districts, on terms so that the surviving district 55744
shall be possessed of all rights, capacity, privileges, powers, 55745
franchises, and authority of the constituent districts and shall 55746
be subject to all the liabilities, obligations, and duties of each 55747
of the constituent districts and all rights of creditors of such 55748
constituent districts shall be preserved unimpaired, limited in 55749
lien to the property affected by such liens immediately prior to 55750

the time of the merger and all debts, liabilities, and duties of 55751
the respective constituent districts shall thereafter attach to 55752
the surviving district and may be enforced against it, and such 55753
other terms as are agreed upon, provided two-thirds of the members 55754
of each of the boards consent to such merger or combination. Such 55755
merger or combination shall become legally effective unless, prior 55756
to the ninetieth day following the later of the consents, 55757
qualified electors residing in either district equal in number to 55758
a majority of the qualified electors voting at the last general 55759
election in such district file with the secretary of the board of 55760
trustees of their regional water and sewer district a petition of 55761
remonstrance against such merger or combination. The secretary 55762
shall cause the board of elections of the proper county or 55763
counties to check the sufficiency of the signatures on such 55764
petition. 55765

~~(Y)~~(Z) Exercise the powers of the district without obtaining 55766
the consent of any other political subdivision, provided that all 55767
public or private property damaged or destroyed in carrying out 55768
the powers of the district shall be restored or repaired and 55769
placed in its original condition as nearly as practicable or 55770
adequate compensation made therefor by the district; 55771

~~(Z)~~(AA) Require the owner of any premises located within the 55772
district to connect ~~his~~ the owner's premises to a water resource 55773
project determined to be accessible to such premises and found to 55774
require such connection so as to prevent or abate pollution or 55775
protect the health and property of persons in the district. Such 55776
connection shall be made in accordance with procedures established 55777
by the board of trustees of such district and pursuant to such 55778
orders as the board may find necessary to ensure and enforce 55779
compliance with such procedures~~+~~. 55780

~~(AA)~~(BB) Do all acts necessary or proper to carry out the 55781
powers granted in Chapter 6119. of the Revised Code. 55782

Sec. 6121.04. The Ohio water development authority may do any 55783
or all of the following: 55784

(A) Adopt bylaws for the regulation of its affairs and the 55785
conduct of its business; 55786

(B) Adopt an official seal; 55787

(C) Maintain a principal office and suboffices at places 55788
within the state that it designates; 55789

(D) Sue and plead in its own name and be sued and impleaded 55790
in its own name with respect to its contracts or torts of its 55791
members, employees, or agents acting within the scope of their 55792
employment, or to enforce its obligations and covenants made under 55793
sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any 55794
such actions against the authority shall be brought in the court 55795
of common pleas of the county in which the principal office of the 55796
authority is located or in the court of common pleas of the county 55797
in which the cause of action arose, provided that the county is 55798
located within this state, and all summonses, exceptions, and 55799
notices of every kind shall be served on the authority by leaving 55800
a copy thereof at the principal office with the person in charge 55801
thereof or with the secretary-treasurer of the authority. 55802

(E) Make loans and grants to governmental agencies for the 55803
acquisition or construction of water development projects by any 55804
such governmental agency and adopt rules and procedures for making 55805
such loans and grants; 55806

(F) Acquire, construct, reconstruct, enlarge, improve, 55807
furnish, equip, maintain, repair, operate, or lease or rent to, or 55808
contract for operation by, a governmental agency or person, water 55809
development projects, and establish rules for the use of those 55810
projects; 55811

(G) Make available the use or services of any water 55812

development project to one or more persons, one or more 55813
governmental agencies, or any combination thereof; 55814

(H) Issue water development revenue bonds and notes and water 55815
development revenue refunding bonds of the state, payable solely 55816
from revenues as provided in section 6121.06 of the Revised Code, 55817
unless the bonds are refunded by refunding bonds, for the purpose 55818
of paying any part of the cost of one or more water development 55819
projects or parts thereof; 55820

(I) Acquire by gift or purchase, hold, and dispose of real 55821
and personal property in the exercise of its powers and the 55822
performance of its duties under this chapter; 55823

(J) Acquire, in the name of the state, by purchase or 55824
otherwise, on terms and in the manner that it considers proper, or 55825
by the exercise of the right of condemnation in the manner 55826
provided by section 6121.18 of the Revised Code, public or private 55827
lands, including public parks, playgrounds, or reservations, or 55828
parts thereof or rights therein, rights-of-way, property, rights, 55829
easements, and interests that it considers necessary for carrying 55830
out this chapter, but excluding the acquisition by the exercise of 55831
the right of condemnation of any waste water facility or water 55832
management facility owned by any person or governmental agency, 55833
and compensation shall be paid for public or private lands so 55834
taken, except that a government-owned waste water facility may be 55835
appropriated in accordance with section 6121.041 of the Revised 55836
Code; 55837

(K) Adopt rules to protect augmented flow in waters of the 55838
state, to the extent augmented by a water development project, 55839
from depletion so it will be available for beneficial use, and to 55840
provide standards for the withdrawal from waters of the state of 55841
the augmented flow created by a water development project that is 55842
not returned to the waters of the state so augmented and to 55843
establish reasonable charges therefor if considered necessary by 55844

the authority; 55845

(L) Make and enter into all contracts and agreements and 55846
execute all instruments necessary or incidental to the performance 55847
of its duties and the execution of its powers under this chapter 55848
in accordance with the following requirements: 55849

(1) When the cost under any such contract or agreement, other 55850
than compensation for personal services, involves an expenditure 55851
of more than twenty-five thousand dollars, the authority shall 55852
make a written contract with the lowest responsive and responsible 55853
bidder, in accordance with section 9.312 of the Revised Code, 55854
after advertisement for not less than two consecutive weeks in a 55855
newspaper of general circulation in Franklin county, and in other 55856
publications that the authority determines, which shall state the 55857
general character of the work and the general character of the 55858
materials to be furnished, the place where plans and 55859
specifications therefor may be examined, and the time and place of 55860
receiving bids, provided that a contract or lease for the 55861
operation of a water development project constructed and owned by 55862
the authority or an agreement for cooperation in the acquisition 55863
or construction of a water development project pursuant to section 55864
6121.13 of the Revised Code or any contract for the construction 55865
of a water development project that is to be leased by the 55866
authority to, and operated by, persons who are not governmental 55867
agencies and the cost of the project is to be amortized 55868
exclusively from rentals or other charges paid to the authority by 55869
persons who are not governmental agencies is not subject to the 55870
foregoing requirements and the authority may enter into such a 55871
contract or lease or such an agreement pursuant to negotiation and 55872
upon terms and conditions and for the period that it finds to be 55873
reasonable and proper in the circumstances and in the best 55874
interests of proper operation or of efficient acquisition or 55875
construction of the project. 55876

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

(3) Each bid for a contract except as provided in division (L)(2) of this section shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted, a contract will be entered into and the performance thereof secured.

(4) The authority may reject any and all bids.

(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 55908
and contributions are made; 55909

(O) Engage in research and development with respect to waste 55910
water or water management facilities; 55911

(P) Purchase fire and extended coverage and liability 55912
insurance for any water development project and for the principal 55913
office and suboffices of the authority, insurance protecting the 55914
authority and its officers and employees against liability for 55915
damage to property or injury to or death of persons arising from 55916
its operations, and any other insurance the authority may agree to 55917
provide under any resolution authorizing its water development 55918
revenue bonds or in any trust agreement securing the same; 55919

(Q) Charge, alter, and collect rentals and other charges for 55920
the use or services of any water development project as provided 55921
in section 6121.13 of the Revised Code; 55922

(R) Provide coverage for its employees under Chapters 145., 55923
4123., and 4141. of the Revised Code; 55924

(S) Assist in the implementation and administration of the 55925
drinking water assistance fund and program created in section 55926
6109.22 of the Revised Code and the water pollution control loan 55927
fund and program created in section 6111.036 of the Revised Code, 55928
including, without limitation, performing or providing fiscal 55929
management for the funds and investing and disbursing moneys in 55930
the funds, and enter into all necessary and appropriate agreements 55931
with the director of environmental protection for those purposes; 55932

(T) Issue water development revenue bonds and notes of the 55933
state in principal amounts that are necessary for the purpose of 55934
raising moneys for the sole benefit of the water pollution control 55935
loan fund created in section 6111.036 of the Revised Code, 55936
including moneys to meet the requirement for providing matching 55937
moneys under division (D) of that section. The bonds and notes may 55938

be secured by appropriate trust agreements and repaid from moneys 55939
credited to the fund from payments of principal and interest on 55940
loans made from the fund, as provided in division (F) of section 55941
6111.036 of the Revised Code. 55942

(U) Issue water development revenue bonds and notes of the 55943
state in principal amounts that are necessary for the purpose of 55944
raising moneys for the sole benefit of the drinking water 55945
assistance fund created in section 6109.22 of the Revised Code, 55946
including moneys to meet the requirement for providing matching 55947
moneys under divisions (B) and (F) of that section. The bonds and 55948
notes may be secured by appropriate trust agreements and repaid 55949
from moneys credited to the fund from payments of principal and 55950
interest on loans made from the fund, as provided in division (F) 55951
of section 6109.22 of the Revised Code. 55952

(V) Make loans to and enter into agreements with boards of 55953
county commissioners for the purposes of section ~~1521.26~~ 1506.44 55954
of the Revised Code and adopt rules establishing requirements and 55955
procedures for making the loans and entering into the agreements; 55956

(W) Do all acts necessary or proper to carry out the powers 55957
expressly granted in this chapter. 55958

Any instrument by which real property is acquired pursuant to 55959
this section shall identify the agency of the state that has the 55960
use and benefit of the real property as specified in section 55961
5301.012 of the Revised Code. 55962

Sec. 6131.23. The assessments estimated in accordance with 55963
section 6131.14 of the Revised Code shall be payable in not less 55964
than two semiannual installments. At the time of the final 55965
hearing, in the order approving the levying of the assessments, 55966
the board of county commissioners shall determine how long a 55967
period of time, in semiannual installments, as taxes are paid, 55968
shall be given the owners of land benefited to pay the assessments 55969

that are made for an improvement and whether or not bonds or notes 55970
shall be issued and sold in anticipation of such payments. If 55971
bonds or notes are to be issued, the interest shall be added to 55972
the assessments. If the estimated cost of the improvement does not 55973
exceed five hundred dollars, not more than two semiannual 55974
installments, as taxes are paid, shall be given to owners of lands 55975
benefited to pay the assessments that are made for the 55976
improvement. If the estimated cost of the improvement exceeds five 55977
hundred dollars, the board may determine the number of 55978
installments in which the assessments are to be paid. If any such 55979
assessment is twenty-five dollars or less, or whenever the unpaid 55980
balance of any such assessment is twenty-five dollars or less, the 55981
same shall be paid in full, and not in installments, at the time 55982
the first or next installment would otherwise become due. 55983

When assessments are payable in installments and county 55984
general funds are used to pay for the improvement, the assessment 55985
shall not exceed ~~ten~~ thirty semiannual installments, as computed 55986
by the county auditor pursuant to section 6131.49 of the Revised 55987
Code, and shall be payable upon completion of the contract. 55988

When assessments are made payable in installments and bonds 55989
or notes have been sold to pay for the improvement, interest shall 55990
be added to the installments of assessments at the same rate as is 55991
drawn by the bonds or notes issued to pay for the improvements. 55992
Any owner may pay the estimated assessments on the owner's land in 55993
cash within thirty days after the final hearing without paying any 55994
interest thereon. If the legislative authority of a political 55995
subdivision chooses to pay the assessments on all parcels within 55996
the subdivision, both public and private, in one installment, it 55997
shall pass a resolution so stating and shall send the resolution, 55998
or a copy thereof, to the board of county commissioners before 55999
making the payment. The legislative authority shall pay all 56000
subsequent maintenance assessments levied under section 6137.03 of 56001

the Revised Code if it chooses to pay the construction assessments 56002
on all parcels within the subdivision. 56003

Bonds may be sold for any repayment period that the board of 56004
county commissioners may determine proper, not to exceed ~~sixteen~~ 56005
thirty semiannual installments, except that for bonds sold by a 56006
board of county commissioners for soil and water conservation 56007
district improvements pursuant to section 1515.24 of the Revised 56008
Code, the repayment period shall not exceed thirty semiannual 56009
installments. 56010

Section 101.02. That existing sections 9.30, 9.821, 9.822, 56011
9.823, 9.83, 107.12, 107.40, 109.572, 109.93, 111.18, 117.11, 56012
119.07, 120.33, 122.17, 122.171, 122.602, 122.652, 124.152, 56013
125.01, 125.02, 125.021, 125.022, 125.023, 125.04, 125.041, 56014
125.05, 125.06, 125.07, 125.071, 125.072, 125.073, 125.08, 56015
125.081, 125.082, 125.09, 125.10, 125.11, 125.15, 125.18, 125.25, 56016
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1347.06, 1503.05, 1504.02, 1506.01, 1506.99, 1513.08, 1513.18, 56026
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1521.99, 1531.06, 1531.35, 1555.08, 1557.03, 2113.041, 2117.061, 56029
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3317.012, 3317.013, 3317.014, 3317.015, 3317.016, 3317.017, 56035
3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 56036
3317.026, 3317.027, 3317.028, 3317.029, 3317.0216, 3317.0217, 56037
3317.03, 3317.04, 3317.05, 3317.052, 3317.06, 3317.063, 3317.08, 56038
3317.16, 3317.20, 3317.201, 3318.01, 3318.011, 3318.023, 3318.12, 56039
3318.15, 3318.26, 3318.36, 3319.55, 3323.01, 3323.11, 3327.05, 56040
3333.04, 3333.122, 3333.38, 3345.05, 3345.32, 3353.02, 3354.10, 56041
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3770.06, 3905.36, 3923.281, 4141.09, 4301.20, 4301.24, 4301.43, 56049
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4513.35, 4715.251, 4717.07, 4723.621, 4723.63, 4723.64, 4723.65, 56052
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4755.03, 4766.05, 4775.08, 4921.40, 5101.141, 5101.162, 5101.21, 56054
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5107.42, 5111.01, 5111.011, 5111.014, 5111.016, 5111.019, 56059
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5111.10, 5111.101, 5111.11, 5111.112, 5111.113, 5111.163, 5111.17, 56061
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5111.891, 5111.915, 5111.95, 5111.96, 5112.341, 5115.12, 5119.611, 56063
5123.01, 5123.043, 5123.045, 5123.047, 5123.048, 5123.049, 56064
5123.0411, 5123.051, 5123.19, 5123.196, 5123.198, 5123.20, 56065
5123.211, 5123.38, 5123.41, 5123.51, 5123.60, 5123.602, 5123.99, 56066

5126.038, 5126.042, 5126.046, 5126.054, 5126.055, 5126.056, 56067
5126.057, 5126.06, 5126.12, 5126.15, 5126.18, 5126.19, 5126.25, 56068
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5727.81, 5727.84, 5727.85, 5727.87, 5733.12, 5733.39, 5733.98, 56073
5739.02, 5739.032, 5739.033, 5739.09, 5739.12, 5739.122, 5739.21, 56074
5741.02, 5741.03, 5741.121, 5743.01, 5743.20, 5745.02, 5745.05, 56075
5745.13, 5747.01, 5747.03, 5747.47, 5747.50, 5747.501, 5747.51, 56076
5747.54, 5747.98, 5748.01, 5748.02, 5748.021, 5749.02, 5751.20, 56077
5751.21, 5751.23, 5907.15, 6109.21, 6111.04, 6111.44, 6119.06, 56078
6121.04, and 6131.23 of the Revised Code are hereby repealed. 56079

Section 105.01. That sections 125.95, 183.02, 183.27, 183.32, 56080
3318.47, 3318.48, 3318.49, 3333.29, 3718.01, 3718.02, 3718.021, 56081
3718.03, 3718.04, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 56082
3718.10, 3718.99, 4911.021, 5111.161, 5123.16, 5123.182, 5123.199, 56083
5126.035, 5126.036, 5126.053, 5126.431, 5126.44, 5126.451, 56084
5743.331, 5747.61, 5747.62, 5747.63, and 6111.441 of the Revised 56085
Code are hereby repealed. 56086

Section 105.03. That the version of section 3702.68 of the 56087
Revised Code that was to have taken effect July 1, 2007, as a 56088
result of Sections 3 to 5 of Am. Sub. S.B. 50 of the 121st General 56089
Assembly, as most recently amended by Am. Sub. H.B. 66 of the 56090
126th General Assembly, is hereby repealed. It is the intent of 56091
this section to prevent the amendment of section 3702.68 of the 56092
Revised Code that was to have taken effect July 1, 2007. 56093

Section 110.07. That the version of section 127.16 of the 56094
Revised Code that is scheduled to take effect July 1, 2007, be 56095
amended to read as follows: 56096

Sec. 127.16. (A) Upon the request of either a state agency or 56097
the director of budget and management and after the controlling 56098
board determines that an emergency or a sufficient economic reason 56099
exists, the controlling board may approve the making of a purchase 56100
without competitive selection as provided in division (B) of this 56101
section. 56102

(B) Except as otherwise provided in this section, no state 56103
agency, using money that has been appropriated to it directly, 56104
shall: 56105

(1) Make any purchase from a particular supplier, that would 56106
amount to fifty thousand dollars or more when combined with both 56107
the amount of all disbursements to the supplier during the fiscal 56108
year for purchases made by the agency and the amount of all 56109
outstanding encumbrances for purchases made by the agency from the 56110
supplier, unless the purchase is made by competitive selection or 56111
with the approval of the controlling board; 56112

(2) Lease real estate from a particular supplier, if the 56113
lease would amount to seventy-five thousand dollars or more when 56114
combined with both the amount of all disbursements to the supplier 56115
during the fiscal year for real estate leases made by the agency 56116
and the amount of all outstanding encumbrances for real estate 56117
leases made by the agency from the supplier, unless the lease is 56118
made by competitive selection or with the approval of the 56119
controlling board. 56120

(C) Any person who authorizes a purchase in violation of 56121
division (B) of this section shall be liable to the state for any 56122
state funds spent on the purchase, and the attorney general shall 56123
collect the amount from the person. 56124

(D) Nothing in division (B) of this section shall be 56125
construed as: 56126

(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;	56127 56128 56129
(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;	56130 56131 56132 56133
(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;	56134 56135 56136
(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;	56137 56138 56139 56140 56141 56142 56143 56144 56145
(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;	56146 56147 56148 56149
(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.	56150 56151 56152 56153 56154 56155 56156 56157

(7) Applying to purchases made with money for the per cent	56158
for arts program established by section 3379.10 of the Revised	56159
Code;	56160
(8) Applying to purchases made by the rehabilitation services	56161
commission of services, or supplies, that are provided to persons	56162
with disabilities, or to purchases made by the commission in	56163
connection with the eligibility determinations it makes for	56164
applicants of programs administered by the social security	56165
administration;	56166
(9) Applying to payments by the department of job and family	56167
services under section 5111.13 of the Revised Code for group	56168
health plan premiums, deductibles, coinsurance, and other	56169
cost-sharing expenses;	56170
(10) Applying to any agency of the legislative branch of the	56171
state government;	56172
(11) Applying to agreements or contracts entered into under	56173
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	56174
Revised Code;	56175
(12) Applying to purchases of services by the adult parole	56176
authority under section 2967.14 of the Revised Code or by the	56177
department of youth services under section 5139.08 of the Revised	56178
Code;	56179
(13) Applying to dues or fees paid for membership in an	56180
organization or association;	56181
(14) Applying to purchases of utility services pursuant to	56182
section 9.30 of the Revised Code;	56183
(15) Applying to purchases made in accordance with rules	56184
adopted by the department of administrative services of motor	56185
vehicle, aviation, or watercraft fuel, or emergency repairs of	56186
such vehicles;	56187

(16) Applying to purchases of tickets for passenger air transportation;	56188
	56189
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	56190
	56191
	56192
(18) Applying to the judicial branch of state government;	56193
(19) Applying to purchases of liquor for resale by the division of liquor control;	56194
	56195
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	56196
	56197
	56198
(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;	56199
	56200
	56201
	56202
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	56203
	56204
	56205
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	56206
	56207
(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;	56208
	56209
	56210
	56211
(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;	56212
	56213
	56214
(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	56215
	56216
	56217

refund offset program of the internal revenue service of the	56218
United States department of the treasury;	56219
(27) Applying to contracts entered into by the department of	56220
mental retardation and developmental disabilities under sections	56221
<u>section</u> 5123.18, 5123.182 , and 5123.199 of the Revised Code;	56222
(28) Applying to payments made by the department of mental	56223
health under a physician recruitment program authorized by section	56224
5119.101 of the Revised Code;	56225
(29) Applying to contracts entered into with persons by the	56226
director of commerce for unclaimed funds collection and remittance	56227
efforts as provided in division (F) of section 169.03 of the	56228
Revised Code. The director shall keep an itemized accounting of	56229
unclaimed funds collected by those persons and amounts paid to	56230
them for their services.	56231
(30) Applying to purchases made by a state institution of	56232
higher education in accordance with the terms of a contract	56233
between the vendor and an inter-university purchasing group	56234
comprised of purchasing officers of state institutions of higher	56235
education;	56236
(31) Applying to the department of job and family services'	56237
purchases of health assistance services under the children's	56238
health insurance program part I provided for under section 5101.50	56239
of the Revised Code or the children's health insurance program	56240
part II provided for under section 5101.51 of the Revised Code;	56241
(32) Applying to payments by the attorney general from the	56242
reparations fund to hospitals and other emergency medical	56243
facilities for performing medical examinations to collect physical	56244
evidence pursuant to section 2907.28 of the Revised Code;	56245
(33) Applying to contracts with a contracting authority or	56246
administrative receiver under division (B) of section 5126.056 of	56247
the Revised Code;	56248

(34) Applying to reimbursements paid to the United States department of veterans affairs for pharmaceutical and patient supply purchases made on behalf of the Ohio veterans' home agency;	56249 56250 56251
(35) Applying to agreements entered into with terminal distributors of dangerous drugs under section 173.79 of the Revised Code;	56252 56253 56254
<u>(36) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code.</u>	56255 56256 56257 56258
(E) Notwithstanding division (B)(1) of this section, the cumulative purchase threshold shall be seventy-five thousand dollars for the departments of mental retardation and developmental disabilities, mental health, rehabilitation and correction, and youth services.	56259 56260 56261 56262 56263
(F) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1), (B)(2), and (E) of this section, all of the following purchases by such agency shall not be considered:	56264 56265 56266 56267
(1) Purchases made through competitive selection or with controlling board approval;	56268 56269
(2) Purchases listed in division (D) of this section;	56270
(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.	56271 56272
(G) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.	56273 56274 56275
Section 110.08. That the existing version of section 127.16 of the Revised Code that is scheduled to take effect July 1, 2007, is hereby repealed.	56276 56277 56278

Section 115.03. That section 5101.213 of the Revised Code is 56279
hereby repealed, effective July 1, 2008. 56280

Section 130.01. As is more completely explained in Sections 56281
130.02 and 130.03 that follow, this act, pursuant to Section 56282
611.03 of Am. Sub. H.B. 66 of the 126th General Assembly, confirms 56283
and orders implementation of the amendments and the enactment 56284
referred to in Section 611.03, the taking effect of which 56285
amendments and enactment by Am. Sub. H.B. 66 was postponed in 56286
whole or in part by Section 611.03 pending this confirmation and 56287
order. 56288

Section 130.02. (A)(1) Section 9.833 of the Revised Code is 56289
presented in division (B) of this section solely for the purpose 56290
of confirming the section and ordering its implementation as it 56291
results from Am. Sub. H.B. 46 and Am. Sub. H.B. 66 of the 126th 56292
General Assembly. Sections 3111.19, 3313.12, and 4117.08 of the 56293
Revised Code are presented in division (B) of this section solely 56294
for the purpose of confirming the sections and ordering their 56295
implementation as they result from Am. Sub. H.B. 66 of the 126th 56296
General Assembly. No other action is being taken with regard to 56297
these sections. 56298

(2) Section 9.90 of the Revised Code is presented in division 56299
(B) of this section for the purposes of confirming the section and 56300
ordering its implementation as it results from Am. Sub. H.B. 66 56301
and Sub. H.B. 193 of the 126th General Assembly and of amending 56302
the section to read as directed by this act. Section 9.901 of the 56303
Revised Code is presented in division (B) of this section for the 56304
purposes of confirming the section and ordering its complete 56305
implementation as it results from Am. Sub. H.B. 66 of the 126th 56306
General Assembly and as it was subsequently amended by Am. Sub. 56307
H.B. 530 of the 126th General Assembly and of amending the section 56308

to read as directed by this act. Sections 3313.202, 3313.33, and 4117.03 of the Revised Code are presented in division (B) of this section for the purposes of confirming the sections and ordering their implementation as they result from Am. Sub. H.B. 66 of the 126th General Assembly and of amending the sections to read as directed by this act.

(B) Sections 9.833, 9.90, 9.901, 3311.19, 3313.12, 3313.202, 3313.33, 4117.03, and 4117.08 of the Revised Code are presented in this division as explained in divisions (A)(1) and (2) of this section:

Sec. 9.833. (A) As used in this section, "political subdivision" means a municipal corporation, township, county, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state, and agencies and instrumentalities of these entities. For purposes of this section, a school district is not a "political subdivision."

(B) Political subdivisions that provide health care benefits for their officers or employees may do any of the following:

(1) Establish and maintain an individual self-insurance program with public moneys to provide authorized health care benefits, including but not limited to, health care, prescription drugs, dental care, and vision care, in accordance with division (C) of this section;

(2) Establish and maintain a health savings account program whereby employees or officers may establish and maintain health savings accounts in accordance with section 223 of the Internal Revenue Code. Public moneys may be used to pay for or fund federally qualified high deductible health plans that are linked to health savings accounts or to make contributions to health savings accounts. A health savings account program may be a part

of a self-insurance program. 56340

(3) After establishing an individual self-insurance program, 56341
agree with other political subdivisions that have established 56342
individual self-insurance programs for health care benefits, that 56343
their programs will be jointly administered in a manner specified 56344
in the agreement; 56345

(4) Pursuant to a written agreement and in accordance with 56346
division (C) of this section, join in any combination with other 56347
political subdivisions to establish and maintain a joint 56348
self-insurance program to provide health care benefits; 56349

(5) Pursuant to a written agreement, join in any combination 56350
with other political subdivisions to procure or contract for 56351
policies, contracts, or plans of insurance to provide health care 56352
benefits, which may include a health savings account program, for 56353
their officers and employees subject to the agreement; 56354

(6) Use in any combination any of the policies, contracts, 56355
plans, or programs authorized under this division. 56356

(C) Except as otherwise provided in division (E) of this 56357
section, the following apply to individual or joint self-insurance 56358
programs established pursuant to this section: 56359

(1) Such funds shall be reserved as are necessary, in the 56360
exercise of sound and prudent actuarial judgment, to cover 56361
potential cost of health care benefits for the officers and 56362
employees of the political subdivision. A report of amounts so 56363
reserved and disbursements made from such funds, together with a 56364
written report of a member of the American academy of actuaries 56365
certifying whether the amounts reserved conform to the 56366
requirements of this division, are computed in accordance with 56367
accepted loss reserving standards, and are fairly stated in 56368
accordance with sound loss reserving principles, shall be prepared 56369
and maintained, within ninety days after the last day of the 56370

fiscal year of the entity for which the report is provided for 56371
that fiscal year, in the office of the program administrator 56372
described in division (C)(3) of this section. 56373

The report required by division (C)(1) of this section shall 56374
include, but not be limited to, disbursements made for the 56375
administration of the program, including claims paid, costs of the 56376
legal representation of political subdivisions and employees, and 56377
fees paid to consultants. 56378

The program administrator described in division (C)(3) of 56379
this section shall make the report required by this division 56380
available for inspection by any person at all reasonable times 56381
during regular business hours, and, upon the request of such 56382
person, shall make copies of the report available at cost within a 56383
reasonable period of time. 56384

(2) Each political subdivision shall reserve funds necessary 56385
for an individual or joint self-insurance program in a special 56386
fund that may be established for political subdivisions other than 56387
an agency or instrumentality pursuant to an ordinance or 56388
resolution of the political subdivision and not subject to section 56389
5705.12 of the Revised Code. An agency or instrumentality shall 56390
reserve the funds necessary for an individual or joint 56391
self-insurance program in a special fund established pursuant to a 56392
resolution duly adopted by the agency's or instrumentality's 56393
governing board. The political subdivision may allocate the costs 56394
of insurance or any self-insurance program, or both, among the 56395
funds or accounts established under this division on the basis of 56396
relative exposure and loss experience. 56397

(3) A contract may be awarded, without the necessity of 56398
competitive bidding, to any person, political subdivision, 56399
nonprofit corporation organized under Chapter 1702. of the Revised 56400
Code, or regional council of governments created under Chapter 56401
167. of the Revised Code for purposes of administration of an 56402

individual or joint self-insurance program. No such contract shall 56403
be entered into without full, prior, public disclosure of all 56404
terms and conditions. The disclosure shall include, at a minimum, 56405
a statement listing all representations made in connection with 56406
any possible savings and losses resulting from the contract, and 56407
potential liability of any political subdivision or employee. The 56408
proposed contract and statement shall be disclosed and presented 56409
at a meeting of the political subdivision not less than one week 56410
prior to the meeting at which the political subdivision authorizes 56411
the contract. 56412

A contract awarded to a nonprofit corporation or a regional 56413
council of governments under this division may provide that all 56414
employees of the nonprofit corporation or regional council of 56415
governments and the employees of all entities related to the 56416
nonprofit corporation or regional council of governments may be 56417
covered by the individual or joint self-insurance program under 56418
the terms and conditions set forth in the contract. 56419

(4) The individual or joint self-insurance program shall 56420
include a contract with a member of the American academy of 56421
actuaries for the preparation of the written evaluation of the 56422
reserve funds required under division (C)(1) of this section. 56423

(5) A joint self-insurance program may allocate the costs of 56424
funding the program among the funds or accounts established under 56425
this division to the participating political subdivisions on the 56426
basis of their relative exposure and loss experience. 56427

(6) An individual self-insurance program may allocate the 56428
costs of funding the program among the funds or accounts 56429
established under this division to the political subdivision that 56430
established the program. 56431

(7) Two or more political subdivisions may also authorize the 56432
establishment and maintenance of a joint health care cost 56433

containment program, including, but not limited to, the employment 56434
of risk managers, health care cost containment specialists, and 56435
consultants, for the purpose of preventing and reducing health 56436
care costs covered by insurance, individual self-insurance, or 56437
joint self-insurance programs. 56438

(8) A political subdivision is not liable under a joint 56439
self-insurance program for any amount in excess of amounts payable 56440
pursuant to the written agreement for the participation of the 56441
political subdivision in the joint self-insurance program. Under a 56442
joint self-insurance program agreement, a political subdivision 56443
may, to the extent permitted under the written agreement, assume 56444
the risks of any other political subdivision. A joint 56445
self-insurance program established under this section is deemed a 56446
separate legal entity for the public purpose of enabling the 56447
members of the joint self-insurance program to obtain insurance or 56448
to provide for a formalized, jointly administered self-insurance 56449
fund for its members. An entity created pursuant to this section 56450
is exempt from all state and local taxes. 56451

(9) Any political subdivision, other than an agency or 56452
instrumentality, may issue general obligation bonds, or special 56453
obligation bonds that are not payable from real or personal 56454
property taxes, and may also issue notes in anticipation of such 56455
bonds, pursuant to an ordinance or resolution of its legislative 56456
authority or other governing body for the purpose of providing 56457
funds to pay expenses associated with the settlement of claims, 56458
whether by way of a reserve or otherwise, and to pay the political 56459
subdivision's portion of the cost of establishing and maintaining 56460
an individual or joint self-insurance program or to provide for 56461
the reserve in the special fund authorized by division (C)(2) of 56462
this section. 56463

In its ordinance or resolution authorizing bonds or notes 56464
under this section, a political subdivision may elect to issue 56465

such bonds or notes under the procedures set forth in Chapter 133. 56466
of the Revised Code. In the event of such an election, 56467
notwithstanding Chapter 133. of the Revised Code, the maturity of 56468
the bonds may be for any period authorized in the ordinance or 56469
resolution not exceeding twenty years, which period shall be the 56470
maximum maturity of the bonds for purposes of section 133.22 of 56471
the Revised Code. 56472

Bonds and notes issued under this section shall not be 56473
considered in calculating the net indebtedness of the political 56474
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 56475
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 56476
hereby made applicable to bonds or notes authorized under this 56477
section. 56478

(10) A joint self-insurance program is not an insurance 56479
company. Its operation does not constitute doing an insurance 56480
business and is not subject to the insurance laws of this state. 56481

(D) A political subdivision may procure group life insurance 56482
for its employees in conjunction with an individual or joint 56483
self-insurance program authorized by this section, provided that 56484
the policy of group life insurance is not self-insured. 56485

(E) Divisions (C)(1), (2), and (4) of this section do not 56486
apply to individual self-insurance programs in municipal 56487
corporations, townships, or counties. 56488

(F) A public official or employee of a political subdivision 56489
who is or becomes a member of the governing body of the program 56490
administrator of a joint self-insurance program in which the 56491
political subdivision participates is not in violation of division 56492
(D) or (E) of section 102.03, division (C) of section 102.04, or 56493
section 2921.42 of the Revised Code as a result of either of the 56494
following: 56495

(1) The political subdivision's entering under this section 56496

into the written agreement to participate in the joint 56497
self-insurance program; 56498

(2) The political subdivision's entering under this section 56499
into any other contract with the joint self-insurance program. 56500

Sec. 9.90. (A) The governing board of any public institution 56501
of higher education, including without limitation state 56502
universities and colleges, community college districts, university 56503
branch districts, technical college districts, and municipal 56504
universities, may, in addition to all other powers provided in the 56505
Revised Code: 56506

(1) Contract for, purchase, or otherwise procure from an 56507
insurer or insurers licensed to do business by the state of Ohio 56508
for or on behalf of such of its employees as it may determine, 56509
life insurance, or sickness, accident, annuity, endowment, health, 56510
medical, hospital, dental, or surgical coverage and benefits, or 56511
any combination thereof, by means of insurance plans or other 56512
types of coverage, family, group or otherwise, and may pay from 56513
funds under its control and available for such purpose all or any 56514
portion of the cost, premium, or charge for such insurance, 56515
coverage, or benefits. However, the governing board, in addition 56516
to or as an alternative to the authority otherwise granted by 56517
division (A)(1) of this section, may elect to procure coverage for 56518
health care services, for or on behalf of such of its employees as 56519
it may determine, by means of policies, contracts, certificates, 56520
or agreements issued by at least two health insuring corporations 56521
holding a certificate of authority under Chapter 1751. of the 56522
Revised Code and may pay from funds under the governing board's 56523
control and available for such purpose all or any portion of the 56524
cost of such coverage. 56525

(2) Make payments to a custodial account for investment in 56526
regulated investment company stock for the purpose of providing 56527

retirement benefits as described in section 403(b)(7) of the Internal Revenue Code of 1954, as amended. Such stock shall be purchased only from persons authorized to sell such stock in this state.

Any income of an employee deferred under divisions (A)(1) and (2) of this section in a deferred compensation program eligible for favorable tax treatment under the Internal Revenue Code of 1954, as amended, shall continue to be included as regular compensation for the purpose of computing the contributions to and benefits from the retirement system of such employee. Any sum so deferred shall not be included in the computation of any federal and state income taxes withheld on behalf of any such employee.

(B) All or any portion of the cost, premium, or charge therefor may be paid in such other manner or combination of manners as the governing board may determine, including direct payment by the employee in cases under division (A)(1) of this section, and, if authorized in writing by the employee in cases under division (A)(1) or (2) of this section, by such governing board with moneys made available by deduction from or reduction in salary or wages or by the foregoing of a salary or wage increase. Nothing in section 3917.01 or section 3917.06 of the Revised Code shall prohibit the issuance or purchase of group life insurance authorized by this section by reason of payment of premiums therefor by the governing board from its funds, and such group life insurance may be so issued and purchased if otherwise consistent with the provisions of sections 3917.01 to 3917.07 of the Revised Code.

(C) The board of education of any school district may exercise any of the powers granted to the governing boards of public institutions of higher education under divisions (A) and (B) of this section, except in relation to the provision of health care benefits to employees. All health care benefits provided to

persons employed by the public schools of this state shall be 56560
~~medical health care plans designed that contain best practices~~ 56561
~~established~~ by the school employees health care board pursuant to 56562
section 9.901 of the Revised Code. 56563

Sec. 9.901. (A)(1) All health care benefits provided to 56564
persons employed by the public ~~schools~~ school districts of this 56565
state shall be provided by ~~medical health care plans designed that~~ 56566
contain best practices established pursuant to this section by the 56567
school employees health care board. ~~The board, in consultation~~ 56568
~~with the superintendent of insurance, shall negotiate with and, in~~ 56569
~~accordance with the competitive selection procedures of Chapter~~ 56570
~~125. of the Revised Code, contract with one or more insurance~~ 56571
~~companies authorized to do business in this state for the issuance~~ 56572
~~of the plans. The plans described under this section shall be~~ 56573
available to cover public school district employees not later than 56574
the last day of the month that is the eighteenth full month after 56575
the effective date of this amendment. The board shall release its 56576
best practices standards prior to the eighteen-month deadline. Any 56577
or all of the ~~medical health care plans designed that contain best~~ 56578
practices specified by the board may be self-insured. ~~All~~ 56579
~~self-insured plans adopted shall be administered by the board in~~ 56580
~~accordance with this section.~~ As used in this section, a "public 56581
school district" means ~~a school in a city, local, exempted~~ 56582
village, or joint vocational school district, and includes the 56583
educational service centers associated with those ~~schools~~ 56584
districts. 56585

(2) ~~Prior to soliciting proposals from insurance companies~~ 56586
~~for the issuance of medical plans, the board shall determine what~~ 56587
~~geographic regions exist in the state based on the availability of~~ 56588
~~providers, networks, costs, and other factors relating to~~ 56589
~~providing health care benefits. The board shall then determine~~ 56590
~~what medical plans are offered by school districts and existing~~ 56591

~~consortiums in the state. The board shall determine what medical
plan offered by a school district or existing consortium in the
region offers the lowest premium cost plan.~~ 56592
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~~(3) The board shall develop a request for proposals and
solicit bids for medical plans for the school districts in a
region similar to the existing plans. The board shall also
determine the benefits offered by existing medical plans, the
employees' costs, and the cost sharing arrangements used by public
schools participating in a consortium. The board shall determine
what strategies are used by the existing medical plans to manage
health care costs and shall study the potential benefits of state
or regional consortiums of public schools offering multiple health
care plans.~~ 56595
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~~(4) As used in this section, a:~~ 56605

~~(a) A "medical health care plan" includes group policies,
contracts, and agreements that provide hospital, surgical, or
medical expense coverage, including self-insured plans. A "medical
health care plan" does not include an individual plan offered to
the employees of a public school district, or a plan that provides
coverage only for specific disease or accidents, or a hospital
indemnity, medicare supplement, or other plan that provides only
supplemental benefits, paid for by the employees of a public
school district.~~ 56606
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~~(b) A "health plan sponsor" means a public school district, a
consortium of public school districts, or a council of
governments.~~ 56615
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(B) The school employees health care board is hereby created. 56618
The school employees health care board shall consist of the 56619
following ~~nine~~ twelve members and shall include individuals with 56620
experience with public school district benefit programs, health 56621
care industry providers, and ~~medical~~ health care plan 56622

beneficiaries: 56623

(1) ~~Three~~ Four members appointed by the governor, one of whom shall be representative of nonadministrative public school district employees; 56624
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(2) ~~Three~~ Four members appointed by the president of the senate, one of whom shall be representative of nonadministrative public school district employees; 56627
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(3) ~~Three~~ Four members appointed by the speaker of the house of representatives, one of whom shall be representative of nonadministrative public school district employees. 56630
56631
56632

A member of the school employees health care board shall not be employed by, represent, or in any way be affiliated with a private entity that is providing services to the board, an individual school district, employers, or employees in the state of Ohio. 56633
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(C)(1) Members of the school employees health care board shall serve four-year terms; ~~however, one of each of the initial members appointed under divisions (B)(1) to (3) of this section shall be appointed to a term of one year. The initial appointments under this section shall be made within forty five days after September 29, 2005, but may be reappointed, except as otherwise specified in division (B) of this section.~~ 56638
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~~Members' terms shall end on the twenty ninth day of September, but a~~ A member shall continue to serve subsequent to the expiration of the member's term until a successor is appointed. Any vacancy occurring during a member's term shall be filled in the same manner as the original appointment, except that the person appointed to fill the vacancy shall be appointed to the remainder of the unexpired term. 56645
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(2) Members shall ~~serve without~~ receive compensation ~~but~~ fixed pursuant to division (J) of section 124.15 of the Revised 56652
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Code and shall be reimbursed from the school employees health care 56654
fund for actual and necessary expenses incurred in the performance 56655
of their official duties as members of the board. 56656

(3) Members may be removed by their appointing authority for 56657
misfeasance, malfeasance, incompetence, dereliction of duty, or 56658
other just cause. 56659

(D)(1) ~~The governor shall call the first meeting of the~~ 56660
~~school employees health care board. At that meeting, and annually~~ 56661
~~thereafter~~ At the first meeting of the board after the first day 56662
of January of each calendar year, the board shall elect a 56663
chairperson and may elect members to other positions on the board 56664
as the board considers necessary or appropriate. The board shall 56665
meet at least ~~four~~ nine times each calendar year and shall also 56666
meet at the call of the chairperson or ~~three~~ four or more board 56667
members. The chairperson shall provide reasonable advance notice 56668
of the time and place of board meetings to all members. 56669

(2) A majority of the board constitutes a quorum for the 56670
transaction of business at a board meeting. A majority vote of the 56671
members present is necessary for official action. 56672

(E) The school employees health care board shall conduct its 56673
business at open meetings; however, the records of the board are 56674
not public records for purposes of section 149.43 of the Revised 56675
Code. 56676

(F) The school employees health care fund is hereby created 56677
in the state treasury. ~~The public schools shall pay all school~~ 56678
~~employees health care board plan premiums in the manner prescribed~~ 56679
~~by the school employees health care board to the board for deposit~~ 56680
~~into the school employees health care fund. All~~ The board shall 56681
use all funds in the school employees health care fund ~~shall be~~ 56682
~~used solely for the provision of health care benefits to public~~ 56683
~~schools employees pursuant to this section~~ to carry out the 56684

~~provisions of this section and related administrative costs.~~ 56685

~~Premiums received by the board or insurance companies contracted~~ 56686

~~pursuant to division (A) of this section are not subject to any~~ 56687

~~state insurance premium tax.~~ 56688

(G) The school employees health care board shall do all of 56689

the following: 56690

(1) ~~Design multiple medical~~ Adopt and release a set of 56691

standards that shall be considered the best practices to which 56692

public school districts shall adhere in the selection and 56693

implementation of health care plans; 56694

(2) Develop best practices for the provision of health care 56695

benefits and subsequently approve health care plans, ~~including~~ 56696

~~regional plans,~~ to provide, in the board's judgment, the optimal 56697

combination of coverage, cost, choice, and stability of health 56698

cost benefits. ~~The board may establish more than one tier of~~ 56699

~~premium rates for any medical plan. The board shall establish~~ 56700

~~regions as necessary for the implementation of the board's medical~~ 56701

~~plans. Plans and premium rates may vary across the regions~~ 56702

~~established by the board.~~ 56703

~~(2) Set an aggregate goal~~ based on the best practices 56704

developed by the board; 56705

(3) Require that the plans the health plan sponsors 56706

administer make readily available to the public all cost and 56707

design elements of the plan; 56708

(4) Determine the feasibility of procurement of selected 56709

health care benefits through consolidated systems that offer 56710

demonstrated economies of scale; 56711

(5) Work with health plan sponsors through educational 56712

outlets and consultation; 56713

(6) Maintain a commitment to transparency and public access 56714

of its meetings and activity pursuant to division (E) of this section; 56715
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(7) Promote cooperation among all organizations affected by this section in identifying the elements for the successful implementation of this section; 56717
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(8) Develop recommendations for employee and employer 56720
portions of premiums for the ~~board's medical~~ health care plans so 56721
as to manage plan participation and encourage the use of 56722
value-based plan participation by employees; 56723

~~(3) Set~~ (9) Develop recommendations for employer and employee 56724
plan copayments, deductibles, exclusions, limitations, 56725
formularies, premium shares, and other responsibilities; 56726

~~(4) Include~~ (10) Ensure that disease management and consumer 56727
education programs, to the extent that the board determines is 56728
appropriate, are included in all ~~medical~~ health care plans 56729
~~designed by the board~~, which programs shall include, but are not 56730
limited to, wellness programs and other measures designed to 56731
encourage the wise use of ~~medical~~ health care plan coverage. These 56732
programs are not services or treatments for purposes of section 56733
3901.71 of the Revised Code. 56734

~~(5)~~ (11) Create and distribute to the governor, the speaker of 56735
the house of representatives, and the president of the senate, an 56736
annual report covering ~~the~~ plan background; plan coverage options; 56737
plan administration, including procedures for monitoring and 56738
managing objectives, scope, and methodology; plan operations; 56739
employee and employer contribution rates and the relationship 56740
between the rates and the school employees health care fund 56741
balance; a means to develop and maintain identity and evaluate 56742
alternative employee and employer cost-sharing strategies; an 56743
evaluation of the effectiveness of cost-saving services and 56744
programs; an evaluation of efforts to control and manage member 56745

eligibility and to insure that proper employee and employer 56746
contributions are remitted to the trust fund; efforts to prevent 56747
and detect fraud; and efforts to manage and monitor board 56748
contracts; 56749

~~(6)~~(12) Utilize cost containment measures aligned with 56750
patient, plan, and provider management strategies in developing 56751
and managing ~~medical~~ health care plans. 56752

(13) Prepare and disseminate to the public an annual report 56753
on the status of health plan sponsors' effectiveness in making 56754
progress to reduce the rate of increase in insurance premiums and 56755
employee out of pocket expenses, as well as progress in improving 56756
the health status of school district employees and their families. 56757

(H) The board also may develop and implement programs through 56758
its own initiative for specific health benefits to be utilized by 56759
health plan sponsors to supplement coverages offered by the school 56760
districts, including, but not limited to, prescription drugs and 56761
disease management. 56762

(I) The sections in Chapter 3923. of the Revised Code 56763
regulating public employee benefit plans are not applicable to the 56764
medical health care plans designed pursuant to this section. 56765

~~(I)~~(J)(1) Public ~~schools~~ school districts are not subject to 56766
this section prior to the release of ~~medical plans designed~~ 56767
~~pursuant to~~ best practices covered by this section, but shall 56768
adopt and implement board-approved best practices after the date 56769
the board releases its best practices pursuant to this section and 56770
by not later than the first day following the expiration of any 56771
collective bargaining agreement applicable to employees of the 56772
public school district that occurs after the release date. The 56773
board shall designate the specific date by which a particular 56774
public school district shall adopt and implement board-approved 56775
best practices. 56776

(2) ~~Prior to the school employees health care board's release~~ 56777
~~of the board's initial medical plans, the~~ The board shall may 56778
contract with ~~an~~ one or more independent ~~consultant~~ consultants to 56779
analyze costs related to employee health care benefits provided by 56780
existing public school district plans in this state. The 56781
~~consultant shall~~ consultants may determine the benefits offered by 56782
existing ~~medical~~ health care plans, the employees' costs, and the 56783
cost-sharing arrangements used by public ~~schools~~ school districts 56784
either participating in a consortium or by other means. The 56785
~~consultant shall~~ consultants may determine what strategies are 56786
used by the existing ~~medical~~ health care plans to manage health 56787
care costs and ~~shall~~ may study the potential benefits of state or 56788
regional consortiums of public schools offering multiple health 56789
care plans. Based on the findings of the analysis, the ~~consultant~~ 56790
~~shall~~ consultants may submit written recommendations to the board 56791
for the development and implementation of a successful ~~program~~ 56792
best practices and programs for ~~pooling~~ improving school 56793
districts' combined purchasing ~~power~~ for the acquisition of 56794
employee ~~medical~~ health care plans. The ~~consultant's~~ 56795
~~recommendations shall address, at a minimum, all of the following~~ 56796
~~issues:~~ 56797

(a) ~~The establishment of regions for the provision of medical~~ 56798
~~plans, based on the availability of providers and plans in the~~ 56799
~~state at the time that the school employees health care board is~~ 56800
~~established;~~ 56801

(b) ~~The use of regional preferred provider and closed panel~~ 56802
~~plans, health savings accounts, and alternative medical plans, to~~ 56803
~~stabilize both costs and the premiums charged school districts and~~ 56804
~~district employees;~~ 56805

(c) ~~The development of a system to obtain eligibility data~~ 56806
~~and data compiled pursuant to the "Consolidated Omnibus Budget~~ 56807
~~Reconciliation Act of 1985 (COBRA)," 100 Stat. 227, 29 U.S.C.~~ 56808

1161, as amended;	56809
(d) The use of the competitive bidding process for regional medical plans;	56810
	56811
(e) The development of a timeline planning for the design and use of board medical plans by not later than December 31, 2007;	56812
	56813
(f) The use of information on claims and costs and of information reported by districts pursuant to COBRA in analyzing administrative and premium costs;	56814
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	56816
(g) The experience of states that have mandated statewide medical plans for public school employees, including the implementation strategies used by those states;	56817
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	56819
(h) Recommended strategies for the use of first year roll in premiums in the transition from district medical plans to school employees health care board plans;	56820
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	56822
(i) The option of allowing school districts to join an existing regional consortium as an alternative to school employees health care board plans;	56823
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	56825
(j) Mandatory and optional coverages to be offered by the board's medical plans;	56826
	56827
(k) Potential risks to the state from the use of medical plans developed pursuant to this section;	56828
	56829
(l) Any legislation needed to ensure the long term financial solvency and stability of a health care purchasing system;	56830
	56831
(m) The potential impacts of any changes to the existing purchasing structure on all of the following:	56832
	56833
(i) Existing health care pooling and consortiums;	56834
(ii) School district employees;	56835
(iii) Individual school districts.	56836
(n) Issues that could arise when school districts transition	56837

~~from the existing purchasing structure to a new purchasing structure;~~ 56838
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~~(o) Strategies available to the board in the creation of fund reserves and the need for stop loss insurance coverage for catastrophic losses;~~ 56840
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~~(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.~~ 56843
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(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

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be filled in the same manner as the original appointment, except 56870
that the person appointed to fill the vacancy shall be appointed 56871
to the remainder of the unexpired term. ~~The governor shall call~~ 56872
~~the first meeting of each newly appointed committee. At that~~ 56873
~~meeting the board shall elect a chairperson who shall call the~~ 56874
time and place of future committee meetings. Committee members are 56875
not subject to the conditions for eligibility set by division (B) 56876
of this section for members of the school employees health care 56877
board. 56878

~~(4) The school employees health care board shall submit a~~ 56879
~~written study to the governor and the general assembly not later~~ 56880
~~than January 31, 2007, of a plan to operate in compliance with~~ 56881
~~this section, and on the governance of the school employees health~~ 56882
~~care board. A copy of the board's plan of operation, including~~ 56883
~~audit provisions, shall accompany the report on the board's~~ 56884
~~governance and the report shall include the board's~~ 56885
~~recommendations on any legislation needed to enforce the~~ 56886
~~recommendations of the board on implementing the provisions of~~ 56887
~~this section.~~ 56888

~~(5) Not later than January 15, 2009, and not later than the~~ 56889
~~same day of each subsequent year, the school employees health care~~ 56890
~~board shall submit a written report to the governor and each~~ 56891
~~member of the general assembly, which report evaluates the~~ 56892
~~performance of school employees health care board medical plans~~ 56893
~~during the previous year. Districts offering employee health care~~ 56894
~~benefits through a plan offered by a consortium of two or more~~ 56895
~~districts, or a consortium of one or more districts and one or~~ 56896
~~more political subdivisions as defined in section 9.833 of the~~ 56897
~~Revised Code, representing five thousand or more employees as of~~ 56898
~~January 1, 2005, may request permission from the school employees~~ 56899
~~health care board to continue offering consortium plans to the~~ 56900
~~districts' employees at the discretion of the board. If the board~~ 56901

~~grants permission, the permission is valid for only one year but 56902
may be renewed annually thereafter upon application to an approval 56903
of the board. The board shall grant initial or continued approval 56904
upon finding, based on an actuarial evaluation of the existing 56905
consortium plan offerings, that benefit design, premium costs, 56906
administrative cost, and other factors considered by the board are 56907
equivalent to or lower than comparable costs of the board's plan 56908
options offered to the local district. Age and gender adjustments, 56909
benefit comparison adjustments, and the total cost of the 56910
consortium plan, including administration, benefit cost, stop loss 56911
insurance, and all other expenses or information requested by the 56912
board shall be presented to the board prior to the board's 56913
decision to allow a local district to continue to offer health 56914
care benefits under a consortium plan. A district shall not 56915
participate in the consortium plan once the district has chosen to 56916
offer plans designed by the board to the district's employees and 56917
begins premium payments for deposit into the school employees 56918
health care fund. 56919~~

~~(6) If based upon an audit of a health care sponsor, the 56920
board makes a determination that the sponsor no longer meets the 56921
best practice standards adopted by the board, the board may 56922
suspend or cancel the sponsor's right to administer plans under 56923
the jurisdiction of the board. The decision of the board to 56924
suspend or cancel a sponsor's right may be appealed by the sponsor 56925
pursuant to a hearing and appeal process the board shall adopt by 56926
rule. 56927~~

~~(5) Upon a failure by a sponsor to adhere to the directives 56928
of the board, the board may request the attorney general to apply 56929
to a court having jurisdiction for any necessary orders to enforce 56930
compliance with the requirement of this section that a health care 56931
sponsor, unless otherwise allowed, shall adopt and adhere to best 56932
practices designed by the board or comply with any other 56933~~

requirements of this section, as the case may be. The board also 56934
may engage outside counsel if it deems necessary. 56935

(6) Upon notice by the board to the department of education 56936
that a district is not in compliance with the board's directives 56937
and a court order as described in this section, the department 56938
shall withhold one per cent of all state financial aid and 56939
assistance to the district each month until the department 56940
receives notice from the board that the district is in full 56941
compliance with the board's directives and subsequent court order. 56942

(7) Any districts providing ~~medical~~ health care plan coverage 56943
for the employees of public schools, ~~or that have provided~~ 56944
~~coverage within two years prior to September 29, 2005, school~~ 56945
~~districts~~ shall provide nonidentifiable aggregate claims data for 56946
the coverage to the school employees health care board ~~or the~~ 56947
~~department of administrative services~~, without charge, within 56948
thirty days after receiving a written request from the board ~~or~~ 56949
~~the department~~. The claims data shall include data relating to 56950
employee group benefit sets, demographics, and claims experience. 56951

~~(J)~~(K)(1) The school employees health care board may contract 56952
with other state agencies for services as the board deems 56953
necessary for the implementation and operation of this section, 56954
based on demonstrated experience and expertise in administration, 56955
management, data handling, actuarial studies, quality assurance, 56956
or for other needed services. The school employees health care 56957
board ~~shall~~ may contract with the department of administrative 56958
services for central services until such time the board ~~is~~ deems 56959
itself able to obtain such services from its own staff or from 56960
other sources. The board shall reimburse the department of 56961
administrative services for the reasonable cost of those services. 56962

~~(K)~~(2) The board shall hire staff as necessary to provide 56963
administrative support to the board and the public school employee 56964
health care plan program established by this section. 56965

(L) The board's administrative functions shall include, but are not limited to, the following: 56966
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~~(1) Maintaining reserves in the school employees health care fund, reinsurance, and other measures that in the judgment of the board will result in the long term stability and solvency of the medical plans designed by the board. The board shall bill school districts, in proportion to a district's premium payments to all premium payments paid into the school employees health care fund during the previous year, in order to maintain necessary reserves, reinsurance, and administrative and operating funds. Each school district contributing to a board medical plan shall share any losses due to the expense of claims paid by the plan. In the event of a loss, the board may bill each district an amount, in proportion to the district's premium payments to all premium payments paid into the school employees health care fund during the previous year, sufficient in total to cover the loss. The state is not liable for any obligations of the school employees health care board or the school employees health care fund, or for expenses of public schools or school districts related to the board's medical plans.~~ 56968
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~~(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; 56986
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~~(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.~~ 56990
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~~(L)~~(M) Not less than ninety days before coverage begins for public school district employees under medical health care plans 56996
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~~designed by~~ containing best practices prescribed by the school 56998
employees health care board, a public school district's board of 56999
education shall provide detailed information about the ~~medical~~ 57000
health care plans to the employees. 57001

~~(M)~~(N) Nothing in this section shall be construed as 57002
prohibiting public ~~schools or~~ school districts from consulting 57003
with and compensating insurance agents and brokers for 57004
professional services. The arrangement and contracts for these 57005
services shall be a public record and disclosed along with other 57006
data required by the board. 57007

~~(N)~~ The department of administrative services shall report to 57008
the governor, the speaker of the house of representatives, and the 57009
president of the senate not later than April 30, 2007, on the 57010
feasibility of achieving all of the following: 57011

~~(1)~~ Designing multiple medical plans to cover persons 57012
employed by public institutions of higher education that achieve 57013
an optimal combination of coverage, cost, choice, and stability, 57014
which plans include both state and regional preferred provider 57015
plans, set employee and employer premiums, and set employee plan 57016
copayments, deductibles, exclusions, limitations, formularies, and 57017
other responsibilities. For this purpose, "public institutions of 57018
higher education" include, without limitation, state universities 57019
and colleges, state community college districts, community college 57020
districts, university branch districts, technical college 57021
districts, and municipal universities. 57022

~~(2)~~ Maintaining reserves, reinsurance, and other measures to 57023
insure the long term stability and solvency of the medical plans; 57024

~~(3)~~ Providing appropriate health care information, wellness 57025
programs, and other preventive health care measures to medical 57026
plan beneficiaries; 57027

~~(4)~~ Coordinating contracts for services related to the 57028

medical plans. 57029

(O)(1) Pursuant to Chapter 117. of the Revised Code, the 57030
auditor of state shall conduct all necessary and required audits 57031
of the board. The auditor of state, upon request, also shall 57032
furnish to the board copies of audits of public school districts 57033
or consortia performed by the auditor of state. 57034

(2) Annually, the superintendent of insurance shall evaluate 57035
the performance of the school employee health care board best 57036
practices during the previous year and submit the results in 57037
writing to the governor and the general assembly. The 57038
superintendent also shall include in the audit of the health care 57039
plans of the health plan sponsors for which the superintendent has 57040
jurisdiction for a determination of adherence to the best 57041
practices established by the board. 57042

(3) Any health care provider or other vendor that contracts 57043
with a public school district or consortium to furnish health care 57044
benefits or services pursuant to a health care plan under this 57045
section, as a condition of such contract, shall agree to submit to 57046
audits the board may require to ensure compliance with the best 57047
practices of the board for the provision of such benefits or 57048
services. The board may contract with persons for independent 57049
audits of such providers or vendors. The audits shall cover the 57050
overall performance of the provider or vendor including, but not 57051
limited to, claims processing procedures and results, eligibility 57052
determination procedures and standards for health care plan 57053
participants, and adherence to best practices established by the 57054
board. 57055

Sec. 3311.19. (A) The management and control of a joint 57056
vocational school district shall be vested in the joint vocational 57057
school district board of education. Where a joint vocational 57058
school district is composed only of two or more local school 57059

districts located in one county, or when all the participating 57060
districts are in one county and the boards of such participating 57061
districts so choose, the educational service center governing 57062
board of the county in which the joint vocational school district 57063
is located shall serve as the joint vocational school district 57064
board of education. Where a joint vocational school district is 57065
composed of local school districts of more than one county, or of 57066
any combination of city, local, or exempted village school 57067
districts or educational service centers, unless administration by 57068
the educational service center governing board has been chosen by 57069
all the participating districts in one county pursuant to this 57070
section, the board of education of the joint vocational school 57071
district shall be composed of one or more persons who are members 57072
of the boards of education from each of the city or exempted 57073
village school districts or members of the educational service 57074
centers' governing boards affected to be appointed by the boards 57075
of education or governing boards of such school districts and 57076
educational service centers. In such joint vocational school 57077
districts the number and terms of members of the joint vocational 57078
school district board of education and the allocation of a given 57079
number of members to each of the city and exempted village 57080
districts and educational service centers shall be determined in 57081
the plan for such district, provided that each such joint 57082
vocational school district board of education shall be composed of 57083
an odd number of members. 57084

(B) Notwithstanding division (A) of this section, a governing 57085
board of an educational service center that has members of its 57086
governing board serving on a joint vocational school district 57087
board of education may make a request to the joint vocational 57088
district board that the joint vocational school district plan be 57089
revised to provide for one or more members of boards of education 57090
of local school districts that are within the territory of the 57091
educational service district and within the joint vocational 57092

school district to serve in the place of or in addition to its 57093
educational service center governing board members. If agreement 57094
is obtained among a majority of the boards of education and 57095
governing boards that have a member serving on the joint 57096
vocational school district board of education and among a majority 57097
of the local school district boards of education included in the 57098
district and located within the territory of the educational 57099
service center whose board requests the substitution or addition, 57100
the state board of education may revise the joint vocational 57101
school district plan to conform with such agreement. 57102

(C) If the board of education of any school district or 57103
educational service center governing board included within a joint 57104
vocational district that has had its board or governing board 57105
membership revised under division (B) of this section requests the 57106
joint vocational school district board to submit to the state 57107
board of education a revised plan under which one or more joint 57108
vocational board members chosen in accordance with a plan revised 57109
under such division would again be chosen in the manner prescribed 57110
by division (A) of this section, the joint vocational board shall 57111
submit the revised plan to the state board of education, provided 57112
the plan is agreed to by a majority of the boards of education 57113
represented on the joint vocational board, a majority of the local 57114
school district boards included within the joint vocational 57115
district, and each educational service center governing board 57116
affected by such plan. The state board of education may revise the 57117
joint vocational school district plan to conform with the revised 57118
plan. 57119

(D) The vocational schools in such joint vocational school 57120
district shall be available to all youth of school age within the 57121
joint vocational school district subject to the rules adopted by 57122
the joint vocational school district board of education in regard 57123
to the standards requisite to admission. A joint vocational school 57124

district board of education shall have the same powers, duties, 57125
and authority for the management and operation of such joint 57126
vocational school district as is granted by law, except by this 57127
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 57128
Code, to a board of education of a city school district, and shall 57129
be subject to all the provisions of law that apply to a city 57130
school district, except such provisions in this chapter and 57131
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 57132

(E) Where a governing board of an educational service center 57133
has been designated to serve as the joint vocational school 57134
district board of education, the educational service center 57135
superintendent shall be the executive officer for the joint 57136
vocational school district, and the governing board may provide 57137
for additional compensation to be paid to the educational service 57138
center superintendent by the joint vocational school district, but 57139
the educational service center superintendent shall have no 57140
continuing tenure other than that of educational service center 57141
superintendent. The superintendent of schools of a joint 57142
vocational school district shall exercise the duties and authority 57143
vested by law in a superintendent of schools pertaining to the 57144
operation of a school district and the employment and supervision 57145
of its personnel. The joint vocational school district board of 57146
education shall appoint a treasurer of the joint vocational school 57147
district who shall be the fiscal officer for such district and who 57148
shall have all the powers, duties, and authority vested by law in 57149
a treasurer of a board of education. Where a governing board of an 57150
educational service center has been designated to serve as the 57151
joint vocational school district board of education, such board 57152
may appoint the educational service center superintendent as the 57153
treasurer of the joint vocational school district. 57154

(F) Each member of a joint vocational school district board 57155
of education may be paid such compensation as the board provides 57156

by resolution, but it shall not exceed one hundred twenty-five 57157
dollars per member for each meeting attended plus mileage, at the 57158
rate per mile provided by resolution of the board, to and from 57159
meetings of the board. 57160

The board may provide by resolution for the deduction of 57161
amounts payable for benefits under section 3313.202 of the Revised 57162
Code. 57163

Each member of a joint vocational school district board may 57164
be paid such compensation as the board provides by resolution for 57165
attendance at an approved training program, provided that such 57166
compensation shall not exceed sixty dollars per day for attendance 57167
at a training program three hours or fewer in length and one 57168
hundred twenty-five dollars a day for attendance at a training 57169
program longer than three hours in length. However, no board 57170
member shall be compensated for the same training program under 57171
this section and section 3313.12 of the Revised Code. 57172

Sec. 3313.12. Each member of the educational service center 57173
governing board may be paid such compensation as the governing 57174
board provides by resolution, provided that any such compensation 57175
shall not exceed one hundred twenty-five dollars a day plus 57176
mileage both ways, at the rate per mile provided by resolution of 57177
the governing board, for attendance at any meeting of the board. 57178
Such compensation and the expenses of the educational service 57179
center superintendent, itemized and verified, shall be paid from 57180
the educational service center governing board fund upon vouchers 57181
signed by the president of the governing board. 57182

The board of education of any city, local, or exempted 57183
village school district may provide by resolution for compensation 57184
of its members, provided that such compensation shall not exceed 57185
one hundred twenty-five dollars per member for meetings attended. 57186
The board may provide by resolution for the deduction of amounts 57187

payable for benefits under section 3313.202 of the Revised Code. 57188

Each member of a district board or educational service center 57189
governing board may be paid such compensation as the respective 57190
board provides by resolution for attendance at an approved 57191
training program, provided that such compensation shall not exceed 57192
sixty dollars a day for attendance at a training program three 57193
hours or fewer in length and one hundred twenty-five dollars a day 57194
for attendance at a training program longer than three hours in 57195
length. 57196

Sec. 3313.202. Any elected or appointed member of the board 57197
of education of a school district and the dependent children and 57198
spouse of the member may be covered, at the option of the member, 57199
under any ~~medical~~ health care plan ~~designed~~ containing best 57200
practices prescribed by the school employees health care board 57201
under section 9.901 of the Revised Code. The member shall pay all 57202
premiums for that coverage. Payments for such coverage shall be 57203
made, in advance, in a manner prescribed by the school employees 57204
health care board. The member's exercise of an option to be 57205
covered under this section shall be in writing, announced at a 57206
regular public meeting of the board of education, and recorded as 57207
a public record in the minutes of the board. 57208

Sec. 3313.33. (A) Conveyances made by a board of education 57209
shall be executed by the president and treasurer thereof. 57210

(B) Except as provided in division (C) of this section, no 57211
member of the board shall have, directly or indirectly, any 57212
pecuniary interest in any contract of the board or be employed in 57213
any manner for compensation by the board of which the person is a 57214
member. No contract shall be binding upon any board unless it is 57215
made or authorized at a regular or special meeting of such board. 57216

(C) A member of the board may have a pecuniary interest in a 57217

contract of the board if all of the following apply: 57218

(1) The member's pecuniary interest in that contract is that 57219
the member is employed by a political subdivision, 57220
instrumentality, or agency of the state that is contracting with 57221
the board; 57222

(2) The member does not participate in any discussion or 57223
debate regarding the contract or vote on the contract; 57224

(3) The member files with the school district treasurer an 57225
affidavit stating the member's exact employment status with the 57226
political subdivision, instrumentality, or agency contracting with 57227
the board. 57228

(D) This section does not apply where a member of the board, 57229
being a shareholder of a corporation but not being an officer or 57230
director thereof, owns not in excess of five per cent of the stock 57231
of such corporation. If a stockholder desires to avail self of the 57232
exception, before entering upon such contract such person shall 57233
first file with the treasurer an affidavit stating the 57234
stockholder's exact status and connection with said corporation. 57235

This section does not apply where a member of the board 57236
elects to be covered by a ~~medical~~ health care plan under section 57237
3313.202 of the Revised Code. 57238

Sec. 4117.03. (A) Public employees have the right to: 57239

(1) Form, join, assist, or participate in, or refrain from 57240
forming, joining, assisting, or participating in, except as 57241
otherwise provided in Chapter 4117. of the Revised Code, any 57242
employee organization of their own choosing; 57243

(2) Engage in other concerted activities for the purpose of 57244
collective bargaining or other mutual aid and protection; 57245

(3) Representation by an employee organization; 57246

(4) Bargain collectively with their public employers to 57247
determine wages, hours, terms and other conditions of employment 57248
and the continuation, modification, or deletion of an existing 57249
provision of a collective bargaining agreement, and enter into 57250
collective bargaining agreements; 57251

(5) Present grievances and have them adjusted, without the 57252
intervention of the bargaining representative, as long as the 57253
adjustment is not inconsistent with the terms of the collective 57254
bargaining agreement then in effect and as long as the bargaining 57255
representatives have the opportunity to be present at the 57256
adjustment. 57257

(B) Persons on active duty or acting in any capacity as 57258
members of the organized militia do not have collective bargaining 57259
rights. 57260

(C) Except as provided in division (D) of this section, 57261
nothing in Chapter 4117. of the Revised Code prohibits public 57262
employers from electing to engage in collective bargaining, to 57263
meet and confer, to hold discussions, or to engage in any other 57264
form of collective negotiations with public employees who are not 57265
subject to Chapter 4117. of the Revised Code pursuant to division 57266
(C) of section 4117.01 of the Revised Code. 57267

(D) A public employer shall not engage in collective 57268
bargaining or other forms of collective negotiations with the 57269
employees of county boards of elections referred to in division 57270
(C)(12) of section 4117.01 of the Revised Code. 57271

(E)~~(1)~~ Employees of public ~~school~~ schools may bargain 57272
collectively for health care benefits; however, all health care 57273
benefits shall ~~be provided through~~ include best practices 57274
prescribed by the school employees health care board ~~medical~~ 57275
~~plans~~, in accordance with section 9.901 of the Revised Code. ~~If a~~ 57276
~~school district provides its employees with health care benefits~~ 57277

~~pursuant to collective bargaining, the employees shall be 57278
permitted to choose a plan option from among the school employees 57279
health care board plans agreed to during collective bargaining. 57280~~

~~(2) During collective bargaining, employees of public schools 57281
may agree to pay a higher percentage of the premium for health 57282
benefit coverage under the plans designed by the school employees 57283
health care board pursuant to section 9.901 of the Revised Code 57284
than the percentage designated as the employees' contribution 57285
level by the board. A collective bargaining agreement, however, 57286
shall not permit the employees to contribute a lesser percentage 57287
of the premium than that set as the employees' contribution level 57288
by the school employees health care board, unless, in so doing, 57289
the participating school board is able to remain in compliance 57290
with the aggregate goal set pursuant to division (C)(3) of section 57291
9.901 of the Revised Code. 57292~~

Sec. 4117.08. (A) All matters pertaining to wages, hours, or 57293
terms and other conditions of employment and the continuation, 57294
modification, or deletion of an existing provision of a collective 57295
bargaining agreement are subject to collective bargaining between 57296
the public employer and the exclusive representative, except as 57297
otherwise specified in this section and division (E) of section 57298
4117.03 of the Revised Code. 57299

(B) The conduct and grading of civil service examinations, 57300
the rating of candidates, the establishment of eligible lists from 57301
the examinations, and the original appointments from the eligible 57302
lists are not appropriate subjects for collective bargaining. 57303

(C) Unless a public employer agrees otherwise in a collective 57304
bargaining agreement, nothing in Chapter 4117. of the Revised Code 57305
impairs the right and responsibility of each public employer to: 57306

(1) Determine matters of inherent managerial policy which 57307
include, but are not limited to areas of discretion or policy such 57308

as the functions and programs of the public employer, standards of services, its overall budget, utilization of technology, and organizational structure;

(2) Direct, supervise, evaluate, or hire employees;

(3) Maintain and improve the efficiency and effectiveness of governmental operations;

(4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted;

(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees;

(6) Determine the adequacy of the work force;

(7) Determine the overall mission of the employer as a unit of government;

(8) Effectively manage the work force;

(9) Take actions to carry out the mission of the public employer as a governmental unit.

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.

Section 130.03. Section 611.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.

Section 130.04. Existing sections 9.90, 9.901, 3313.202, 3313.33, and 4117.03 of the Revised Code are hereby repealed.

Section 130.05. The Governor, the President of the Senate, 57337
and the Speaker of the House of Representatives each shall appoint 57338
one additional member to the School Employees Health Care Board 57339
created pursuant to section 9.901 of the Revised Code. The terms 57340
of these additional members as well as the terms of the current 57341
members shall end on December 31, 2010. Thereafter, terms of 57342
office shall be as specified in section 9.901 of the Revised Code 57343
as it results from its amendment by this act. The three additional 57344
members each shall be representative of nonadministrative public 57345
school employees. 57346

Section 201.01. Except as otherwise provided in this act, all 57347
appropriation items in this act are appropriated out of any moneys 57348
in the state treasury to the credit of the designated fund that 57349
are not otherwise appropriated. For all appropriations made in 57350
this act, the amounts in the first column are for fiscal year 2008 57351
and the amounts in the second column are for fiscal year 2009. 57352
57353

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 57354

General Services Fund Group 57355

4J8 889-601 CPA Education	\$	325,000	\$	325,000	57356
Assistance					
4K9 889-609 Operating Expenses	\$	1,092,246	\$	1,117,000	57357
TOTAL GSF General Services Fund					57358
Group	\$	1,417,246	\$	1,442,000	57359
TOTAL ALL BUDGET FUND GROUPS	\$	1,417,246	\$	1,442,000	57360

Section 205.10. ADJ ADJUTANT GENERAL 57362

General Revenue Fund 57363

GRF 745-401 Ohio Military Reserve	\$	15,188	\$	15,188	57364
GRF 745-404 Air National Guard	\$	2,246,005	\$	2,284,198	57365

GRF 745-407	National Guard	\$	1,400,000	\$	1,400,000	57366
	Benefits					
GRF 745-409	Central Administration	\$	4,295,778	\$	4,460,069	57367
GRF 745-499	Army National Guard	\$	5,064,836	\$	5,169,368	57368
GRF 745-502	Ohio National Guard	\$	102,973	\$	102,973	57369
	Unit Fund					
TOTAL GRF	General Revenue Fund	\$	13,124,780	\$	13,431,796	57370
	General Services Fund Group					57371
534 745-612	Property	\$	534,304	\$	534,304	57372
	Operations/Management					
536 745-620	Camp Perry/Buckeye Inn	\$	1,202,970	\$	1,202,970	57373
	Operations					
537 745-604	Ohio National Guard	\$	269,826	\$	269,826	57374
	Facility Maintenance					
TOTAL GSF	General Services Fund	\$	2,007,100	\$	2,007,100	57375
	Group					
	Federal Special Revenue Fund Group					57376
3E8 745-628	Air National Guard	\$	14,100,000	\$	14,906,820	57377
	Agreement					
3R8 745-603	Counter Drug	\$	25,000	\$	25,000	57378
	Operations					
341 745-615	Air National Guard	\$	2,497,480	\$	2,729,939	57379
	Base Security					
342 745-616	Army National Guard	\$	10,146,178	\$	10,590,050	57380
	Agreement					
TOTAL FED	Federal Special Revenue	\$	26,768,658	\$	28,251,809	57381
	Fund Group					
	State Special Revenue Fund Group					57382
5U8 745-613	Community Match	\$	220,000	\$	220,000	57383
	Armories					
528 745-605	Marksmanship	\$	128,600	\$	128,600	57384
	Activities					

TOTAL SSR State Special Revenue	\$	348,600	\$	348,600	57385
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	42,249,138	\$	44,039,305	57386
NATIONAL GUARD BENEFITS					57387
The foregoing appropriation item 745-407, National Guard					57388
Benefits, shall be used for purposes of sections 5919.31 and					57389
5919.33 of the Revised Code, and for administrative costs of the					57390
associated programs.					57391
For active duty members of the Ohio National Guard who died					57392
after October 7, 2001, while performing active duty, the death					57393
benefit, pursuant to section 5919.33 of the Revised Code, shall be					57394
paid to the beneficiary or beneficiaries designated on the					57395
member's Servicemembers' Group Life Insurance Policy.					57396
STATE ACTIVE DUTY COSTS					57397
Of the foregoing appropriation item 745-409, Central					57398
Administration, \$50,000 in each fiscal year shall be used for the					57399
purpose of paying expenses related to state active duty of members					57400
of the Ohio organized militia, in accordance with a proclamation					57401
of the Governor. Expenses include, but are not limited to, the					57402
cost of equipment, supplies, and services, as determined by the					57403
Adjutant General's Department.					57404
Of the foregoing appropriation item 745-409, Central					57405
Administration, up to \$60,000 in each fiscal year of unspent and					57406
unencumbered funds remaining after meeting all other obligations					57407
of this appropriation shall be used for a grant to the American					57408
Red Cross Greater Columbus Chapter to be distributed equally to					57409
the Ohio chapters in existence on the effective date of this					57410
section. The funds from this grant shall be used for the Armed					57411
Forces Emergency Services program of the American Red Cross in					57412
Ohio to support members of the military and their families. Upon					57413
distribution of the funds, the American Red Cross Greater Columbus					57414

Chapter shall report to the Adjutant General on the actual 57415
distribution to the various chapters and any administrative costs 57416
associated with the distribution. 57417

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 57418

General Revenue Fund 57419

GRF 100-403 Public School Employee \$ 1,425,000 \$ 1,425,000 57420
Benefits

GRF 100-404 CRP Procurement \$ 255,000 \$ 255,000 57421
Program

GRF 100-405 Agency Audit Expenses \$ 400,000 \$ 400,000 57422

GRF 100-406 County & University \$ 875,000 \$ 875,000 57423
Human Resources
Services

GRF 100-410 Veterans' Records \$ 46,170 \$ 46,171 57424
Conversion

GRF 100-415 OAKS Rental Payments \$ 14,162,000 \$ 14,165,000 57425

GRF 100-418 Web Sites and Business \$ 3,270,473 \$ 3,270,083 57426
Gateway

GRF 100-419 IT Security \$ 1,500,000 \$ 1,500,000 57427
Infrastructure

GRF 100-421 OAKS Project \$ 375,000 \$ 375,000 57428
Implementation

GRF 100-433 State of Ohio Computer \$ 4,800,000 \$ 4,825,000 57429
Center

GRF 100-439 Equal Opportunity \$ 705,000 \$ 705,000 57430
Certification Programs

GRF 100-447 OBA - Building Rent \$ 112,294,800 \$ 106,476,400 57431
Payments

GRF 100-448 OBA - Building \$ 26,457,000 \$ 27,303,000 57432
Operating Payments

GRF 100-449 DAS - Building \$ 3,769,510 \$ 3,834,871 57433

		Operating Payments		
GRF 100-451	Minority Affairs	\$ 52,927	\$ 52,927	57434
GRF 100-734	Major Maintenance -	\$ 42,000	\$ 42,000	57435
	State Bldgs			
GRF 102-321	Construction	\$ 1,000,000	\$ 1,000,000	57436
	Compliance			
GRF 130-321	State Agency Support	\$ 6,000,000	\$ 6,250,000	57437
	Services			
TOTAL GRF	General Revenue Fund	\$ 177,429,880	\$ 172,800,452	57438
	General Services Fund Group			57439
112 100-616	DAS Administration	\$ 5,299,427	\$ 5,299,427	57440
115 100-632	Central Service Agency	\$ 860,878	\$ 928,403	57441
117 100-644	General Services	\$ 8,295,772	\$ 8,540,772	57442
	Division - Operating			
122 100-637	Fleet Management	\$ 2,182,968	\$ 2,032,968	57443
125 100-622	Human Resources	\$ 19,890,614	\$ 20,560,614	57444
	Division - Operating			
128 100-620	Collective Bargaining	\$ 3,464,533	\$ 3,662,534	57445
130 100-606	Risk Management	\$ 2,568,548	\$ 2,568,548	57446
	Reserve			
131 100-639	State Architect's	\$ 7,348,483	\$ 7,544,164	57447
	Office			
132 100-631	DAS Building	\$ 9,716,228	\$ 10,166,228	57448
	Management			
133 100-607	IT Services Delivery	\$ 72,539,887	\$ 75,847,949	57449
188 100-649	Equal Opportunity	\$ 847,409	\$ 884,650	57450
	Division - Operating			
201 100-653	General Services	\$ 1,553,000	\$ 1,553,000	57451
	Resale Merchandise			
210 100-612	State Printing	\$ 5,681,421	\$ 5,436,421	57452
229 100-630	IT Governance	\$ 17,108,546	\$ 17,108,546	57453
4N6 100-617	Major IT Purchases	\$ 7,495,719	\$ 7,495,719	57454
4P3 100-603	DAS Information	\$ 4,793,190	\$ 4,958,218	57455

Services					
427	100-602	Investment Recovery	\$ 5,683,564	\$ 5,683,564	57456
5C2	100-605	MARCS Administration	\$ 11,069,291	\$ 11,069,291	57457
5C3	100-608	Skilled Trades	\$ 934,982	\$ 934,982	57458
5D7	100-621	Workforce Development	\$ 70,000	\$ 0	57459
5EB	100-635	OAKS Support	\$ 19,132,671	\$ 19,132,671	57460
Organization					
5L7	100-610	Professional	\$ 3,900,000	\$ 3,900,000	57461
Development					
5V6	100-619	Employee Educational	\$ 936,129	\$ 936,129	57462
Development					
5X3	100-634	Centralized Gateway	\$ 974,023	\$ 974,023	57463
Enhancement					
TOTAL GSF General Services Fund					57464
Group			\$ 212,347,283	\$ 217,218,821	57465
TOTAL ALL BUDGET FUND GROUPS			\$ 389,777,163	\$ 390,019,273	57466

Section 207.10.10. PUBLIC SCHOOL EMPLOYEE BENEFITS 57468

The foregoing appropriation item 100-403, Public School 57469
Employee Benefits, shall be used by the School Employees Health 57470
Care Board to hire staff to provide administrative support to the 57471
Board and other lawful uses of said fund as prescribed under 57472
section 9.901 of the Revised Code. This section succeeds Section 57473
203.12.02 of Am. Sub. H.B. 66 of the 126th General Assembly. 57474

Section 207.10.20. AGENCY AUDIT EXPENSES 57475

The foregoing appropriation item 100-405, Agency Audit 57476
Expenses, shall be used for auditing expenses designated in 57477
division (A)(1) of section 117.13 of the Revised Code for those 57478
state agencies audited on a biennial basis. 57479

Section 207.10.30. OAKS RENTAL PAYMENTS 57480

The foregoing appropriation item 100-415, OAKS Rental 57481

Payments, shall be used for payments for the period from July 1, 57482
2007, through June 30, 2009, pursuant to leases and agreements 57483
entered into under Chapter 125. of the Revised Code, as 57484
supplemented by Section 403.10 of Am. Sub. H.B. 530 of the 126th 57485
General Assembly with respect to financing the costs associated 57486
with the acquisition, development, installation, and 57487
implementation of the Ohio Administrative Knowledge System. If it 57488
is determined that additional appropriations are necessary for 57489
this purpose, the amounts are hereby appropriated. 57490

Section 207.10.40. BUILDING RENT PAYMENTS 57491

The foregoing appropriation item 100-447, OBA - Building Rent 57492
Payments, shall be used to meet all payments at the times they are 57493
required to be made during the period from July 1, 2007, to June 57494
30, 2009, by the Department of Administrative Services to the Ohio 57495
Building Authority pursuant to leases and agreements under Chapter 57496
152. of the Revised Code. These appropriations are the source of 57497
funds pledged for bond service charges on obligations issued 57498
pursuant to Chapter 152. of the Revised Code. 57499

The foregoing appropriation item 100-448, OBA - Building 57500
Operating Payments, shall be used to meet all payments at the 57501
times that they are required to be made during the period from 57502
July 1, 2007, to June 30, 2009, by the Department of 57503
Administrative Services to the Ohio Building Authority pursuant to 57504
leases and agreements under Chapter 152. of the Revised Code, but 57505
limited to the aggregate amount of \$53,760,000. 57506

The payments to the Ohio Building Authority are for the 57507
purpose of paying the expenses of agencies that occupy space in 57508
the various state facilities. The Department of Administrative 57509
Services may enter into leases and agreements with the Ohio 57510
Building Authority providing for the payment of these expenses. 57511
The Ohio Building Authority shall report to the Department of 57512

Administrative Services and the Office of Budget and Management 57513
not later than five months after the start of a fiscal year the 57514
actual expenses incurred by the Ohio Building Authority in 57515
operating the facilities and any balances remaining from payments 57516
and rentals received in the prior fiscal year. The Department of 57517
Administrative Services shall reduce subsequent payments by the 57518
amount of the balance reported to it by the Ohio Building 57519
Authority. 57520

Section 207.10.50. DAS - BUILDING OPERATING PAYMENTS 57521

The foregoing appropriation item 100-449, DAS - Building 57522
Operating Payments, shall be used to pay the rent expenses of 57523
veterans organizations pursuant to section 123.024 of the Revised 57524
Code in fiscal years 2008 and 2009. 57525

The foregoing appropriation item, 100-449, DAS - Building 57526
Operating Payments, may be used to provide funding for the cost of 57527
property appraisals or building studies that the Department of 57528
Administrative Services may be required to obtain for property 57529
that is being sold by the state or property under consideration to 57530
be renovated or purchased by the state. 57531

Notwithstanding section 125.28 of the Revised Code, the 57532
remaining portion of the appropriation may be used to pay the 57533
operating expenses of state facilities maintained by the 57534
Department of Administrative Services that are not billed to 57535
building tenants. These expenses may include, but are not limited 57536
to, the costs for vacant space and space undergoing renovation, 57537
and the rent expenses of tenants that are relocated due to 57538
building renovations. These payments shall be processed by the 57539
Department of Administrative Services through intrastate transfer 57540
vouchers and placed in the Building Management Fund (Fund 132). 57541

Section 207.10.60. CENTRAL SERVICE AGENCY FUND 57542

The Department of Administrative Services shall not allocate 57543
annual costs for maintaining an automated application for the 57544
professional licensing boards and for the costs of supporting 57545
licensing functions in excess of the amounts supported by 57546
licensing and registration fees established for fiscal year 2007. 57547
The charges shall be billed to the professional licensing boards 57548
and deposited via intrastate transfer vouchers to the credit of 57549
the Central Service Agency Fund (Fund 115). 57550

Section 207.10.70. ELIMINATION OF THE VEHICLE LIABILITY FUND 57551
ASSETS 57552

(A) Effective July 1, 2007, the Vehicle Liability Fund (Fund 57553
127) is abolished and its functions, assets, and liabilities are 57554
transferred to the Risk Management Reserve Fund (Fund 130). The 57555
Risk Management Reserve Fund is thereupon and thereafter successor 57556
to, assumes the obligations of, and otherwise constitutes the 57557
continuation of the Vehicle Liability Fund. 57558

Any business commenced but not completed with regard to the 57559
Vehicle Liability Fund on July 1, 2007, shall be completed with 57560
regard to the Risk Management Reserve Fund, in the same manner, 57561
and with the same effect, as if completed with regard to the 57562
Vehicle Liability Fund. No validation, cure, right, privilege, 57563
remedy, obligation, or liability is lost or impaired by reason of 57564
the transfer and shall be administered with regard to the Risk 57565
Management Reserve Fund. All of the rules, orders, and 57566
determinations associated with the Vehicle Liability Fund continue 57567
in effect as rules, orders, and determinations associated with the 57568
Risk Management Reserve Fund, until modified or rescinded by the 57569
Director of Administrative Services. If necessary to ensure the 57570
integrity of the Administrative Code, the Director of the 57571
Legislative Service Commission shall renumber the rules relating 57572
to the Vehicle Liability Fund to reflect its transfer to the Risk 57573

Management Reserve Fund. 57574

(B) Employees paid from the Vehicle Liability Fund shall be 57575
transferred to the Risk Management Reserve Fund or dismissed. 57576
Employees paid from the Vehicle Liability Fund so dismissed cease 57577
to hold their positions of employment on July 1, 2007. 57578

(C) No judicial or administrative action or proceeding by 57579
which the Vehicle Liability Fund is affected that is pending on 57580
July 1, 2007, is affected by the transfer of functions under 57581
division (A) of this section. The action or proceeding shall be 57582
prosecuted or defended on behalf of the Risk Management Reserve 57583
Fund and the Risk Management Reserve Fund upon application to the 57584
court or agency shall be substituted for the Vehicle Liability 57585
Fund as affected by the action or proceeding. 57586

(D) On and after July 1, 2007, when the Vehicle Liability 57587
Fund is referred to in any statute, rule, contract, grant, or 57588
other document, the reference is hereby deemed to refer to the 57589
Risk Management Reserve Fund. 57590

Section 207.10.80. TRANSFER OF VEHICLE LIABILITY FUND ASSETS 57591

On and after July 1, 2007, notwithstanding any provision to 57592
the contrary, the Director of Budget and Management is authorized 57593
to take the actions and effectuate the budget changes made 57594
necessary by administrative reorganization, program transfers, the 57595
creation of new funds, and the consolidation of funds required for 57596
the transfer of the Vehicle Liability Fund Assets to the Risk 57597
Management Reserve Fund. The Director of Budget and Management may 57598
make any transfer of cash balances between funds. At the request 57599
of the Director of Budget and Management, the Director of 57600
Administrative Services shall certify to the Director of Budget 57601
and Management an estimate of the amount of the Vehicle Liability 57602
Fund cash balance to be transferred to the Risk Management Reserve 57603
Fund. The Director of Budget and Management may transfer the 57604

estimated amount when needed to make payments. Not more than 57605
thirty days after certifying the estimated amount, the Director of 57606
Administrative Services shall certify the final amount to the 57607
Director of Budget and Management. The Director of Budget and 57608
Management shall transfer the difference between any amount 57609
previously transferred and the certified final amount. The 57610
Director of Budget and Management may cancel encumbrances and 57611
re-establish encumbrances or parts of encumbrances of the Vehicle 57612
Liability Fund as needed in fiscal year 2008 in the Risk 57613
Management Reserve Fund for the same purposes. The appropriation 57614
authority necessary to re-establish such encumbrances in fiscal 57615
year 2008, as determined by the Director of Budget and Management, 57616
in appropriation item 100-606, Risk Management Reserve, is hereby 57617
appropriated. When re-established encumbrances or parts of 57618
re-established encumbrances of the Vehicle Liability Fund are 57619
canceled, the Director of Budget and Management shall reduce the 57620
appropriation for appropriation item 100-606, Risk Management 57621
Reserve, by the amount of the encumbrances canceled. The amounts 57622
canceled are hereby authorized. Any fiscal year 2007 unencumbered 57623
or unallotted appropriation for appropriation item 100-627, 57624
Vehicle Liability Insurance, may be transferred to appropriation 57625
item 100-606, Risk Management Reserve, to be used for the same 57626
purposes, as determined by the Director of Budget and Management. 57627
The amounts transferred are hereby appropriated. 57628

Section 207.10.90. COLLECTIVE BARGAINING ARBITRATION EXPENSES 57629
57630

With approval of the Director of Budget and Management, the 57631
Department of Administrative Services may seek reimbursement from 57632
state agencies for the actual costs and expenses the department 57633
incurs in the collective bargaining arbitration process. The 57634
reimbursements shall be processed through intrastate transfer 57635
vouchers and placed in the Collective Bargaining Fund (Fund 128). 57636

Section 207.20.10. EQUAL OPPORTUNITY PROGRAM 57637

The Department of Administrative Services, with the approval 57638
of the Director of Budget and Management, shall establish charges 57639
for recovering the costs of administering the activities supported 57640
by the State EEO Fund (Fund 188). These charges shall be deposited 57641
to the credit of the State EEO Fund (Fund 188) upon payment made 57642
by state agencies, state-supported or state-assisted institutions 57643
of higher education, and tax-supported agencies, municipal 57644
corporations, and other political subdivisions of the state, for 57645
services rendered. 57646

Section 207.20.20. MERCHANDISE FOR RESALE 57647

The foregoing appropriation item 100-653, General Services 57648
Resale Merchandise, shall be used to account for merchandise for 57649
resale, which is administered by the General Services Division. 57650
Deposits to the fund may comprise the cost of merchandise for 57651
resale and shipping fees. 57652

Section 207.20.30. DAS INFORMATION SERVICES 57653

There is hereby established in the State Treasury the DAS 57654
Information Services Fund. The foregoing appropriation item 57655
100-603, DAS Information Services, shall be used to pay the costs 57656
of providing information systems and services in the Department of 57657
Administrative Services. 57658

The Department of Administrative Services shall establish 57659
user charges for all information systems and services that are 57660
allowable in the statewide indirect cost allocation plan submitted 57661
annually to the United States Department of Health and Human 57662
Services. These charges shall comply with federal regulations and 57663
shall be deposited to the credit of the DAS Information Services 57664
Fund (Fund 4P3). 57665

Section 207.20.40. INVESTMENT RECOVERY FUND 57666

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 427) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code. 57667

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. 57672

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. 57678

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 57688

Management to increase the amounts. Such amounts are hereby 57697
appropriated. 57698

Notwithstanding division (B) of section 125.14 of the Revised 57699
Code, the Director of Budget and Management, at the request of the 57700
Director of Administrative Services, shall transfer up to \$500,000 57701
of the amounts held for transfer to the General Revenue Fund from 57702
the Investment Recovery Fund to the State Architect's Fund (Fund 57703
131) to provide operating cash. 57704

Section 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 57705

Effective with the implementation of the Multi-Agency Radio 57706
Communications System, the State Chief Information Officer shall 57707
collect user fees from participants in the system. The State Chief 57708
Information Officer, with the advice of the Multi-Agency Radio 57709
Communications System Steering Committee and the Director of 57710
Budget and Management, shall determine the amount of the fees and 57711
the manner by which the fees shall be collected. Such user charges 57712
shall comply with the applicable cost principles issued by the 57713
federal Office of Management and Budget. All moneys from user 57714
charges and fees shall be deposited in the state treasury to the 57715
credit of the Multi-Agency Radio Communications System 57716
Administration Fund (Fund 5C2), which is hereby established in the 57717
state treasury. All interest income derived from the investment of 57718
the fund shall accrue to the fund. 57719

Section 207.20.60. WORKFORCE DEVELOPMENT FUND 57720

There is hereby established in the state treasury the 57721
Workforce Development Fund (Fund 5D7). The foregoing appropriation 57722
item 100-621, Workforce Development, shall be used to make 57723
payments from the fund. The fund shall be under the supervision of 57724
the Department of Administrative Services, which may adopt rules 57725
with regard to administration of the fund. The fund shall be used 57726

to pay the costs of any remaining obligations of the Workforce 57727
Development Program, in accordance with Article 37 of the contract 57728
between the State of Ohio and OCSEA/AFSCME, Local 11, abolished 57729
effective March 1, 2006. These costs include, but are not limited 57730
to, remaining grant obligations, payments for tuition 57731
reimbursement, contracted services and general overhead, and any 57732
settlement costs associated with the Statewide Cost Allocation 57733
Program (SWCAP). The program shall be administered in accordance 57734
with the contract. Revenues shall accrue to the fund as specified 57735
in the contract. The fund may be used to pay direct and indirect 57736
costs of the program that are attributable to staff, consultants, 57737
and service providers. All income derived from the investment of 57738
the fund shall accrue to the fund. 57739

If it is determined by the Director of Administrative 57740
Services that additional appropriation amounts are necessary, the 57741
Director of Administrative Services may request that the Director 57742
of Budget and Management increase such amounts. Such amounts are 57743
hereby appropriated. 57744

Section 207.20.70. OAKS SUPPORT ORGANIZATION 57745

The foregoing appropriation item 100-635, OAKS Support 57746
Organization, shall be used by the Office of Information 57747
Technology to support the operating costs associated with the 57748
implementation and maintenance of the state's enterprise resource 57749
planning system, OAKS, consistent with its responsibilities under 57750
this section and Chapters 125. and 126. of the Revised Code. The 57751
OAKS Support Organization shall operate and maintain the human 57752
capital management and financial management modules of the state's 57753
enterprise resource planning system to support statewide human 57754
resources and financial management activities administered by the 57755
Department of Administrative Services' human resources division 57756
and the Office of Budget and Management. The OAKS Support 57757

Organization shall recover the costs to establish, operate, and 57758
maintain the OAKS system through intrastate transfer voucher 57759
billings to the Department of Administrative Services and the 57760
Office of Budget and Management. Effective July 1, 2007, the 57761
Department of Administrative Services, with the approval of the 57762
Director of Budget and Management, shall include the recovery of 57763
the costs of administering the human capital management module of 57764
the OAKS System within the human resources services payroll rate. 57765
These revenues shall be deposited to the credit of the Human 57766
Resources Services Fund (Fund 125). Amounts deposited under this 57767
section are hereby appropriated to appropriation item 100-622, 57768
Human Resources Division-Operating. Not less than quarterly, the 57769
Department of Administrative Services shall process the intrastate 57770
transfer billings to transfer cash from the Human Resources 57771
Services Fund (Fund 125) to the OAKS Support Organization Fund 57772
(Fund 5EB) to pay for the OAKS Support Organization costs. 57773

Section 207.20.80. PROFESSIONAL DEVELOPMENT FUND 57774

The foregoing appropriation item 100-610, Professional 57775
Development, shall be used to make payments from the Professional 57776
Development Fund (Fund 5L7) under section 124.182 of the Revised 57777
Code. 57778

Section 207.20.90. EMPLOYEE EDUCATIONAL DEVELOPMENT 57779

There is hereby established in the state treasury the 57780
Employee Educational Development Fund (Fund 5V6). The foregoing 57781
appropriation item 100-619, Employee Educational Development, 57782
shall be used to make payments from the fund. The fund shall be 57783
used to pay the costs of the administration of educational 57784
programs per existing collective bargaining agreements with 57785
District 1199, the Health Care and Social Service Union; State 57786
Council of Professional Educators; Ohio Education Association and 57787

National Education Association; the Fraternal Order of Police Ohio 57788
Labor Council, Unit 2; and the Ohio State Troopers Association, 57789
Units 1 and 15. The fund shall be under the supervision of the 57790
Department of Administrative Services, which may adopt rules with 57791
regard to administration of the fund. The fund shall be 57792
administered in accordance with the applicable sections of the 57793
collective bargaining agreements between the State and the 57794
aforementioned unions. The Department of Administrative Services, 57795
with the approval of the Director of Budget and Management, shall 57796
establish charges for recovering the costs of administering the 57797
educational programs. Receipts for these charges shall be 57798
deposited into the Employee Educational Development Fund. All 57799
income derived from the investment of the funds shall accrue to 57800
the fund. 57801

If it is determined by the Director of Administrative 57802
Services that additional appropriation amounts are necessary, the 57803
Director of Administrative Services may request that the Director 57804
of Budget and Management increase such amounts. Such amounts are 57805
hereby appropriated with the approval of the Director of Budget 57806
and Management. 57807

Section 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND 57808

(A) As used in this section, "Ohio Business Gateway" refers 57809
to the internet-based system operated by the Office of Information 57810
Technology with the advice of the Ohio Business Gateway Steering 57811
Committee established under section 5703.57 of the Revised Code. 57812
The Ohio Business Gateway is established to provide businesses a 57813
central web site where various filings and payments are submitted 57814
on-line to government. The information is then distributed to the 57815
various government entities that interact with the business 57816
community. 57817

(B) As used in this section: 57818

(1) "State Portal" refers to the official web site of the state, operated by the Office of Information Technology.

(2) "Shared Hosting Environment" refers to the computerized system operated by the Office of Information Technology for the purpose of providing capability for state agencies to host web sites.

(C) There is hereby created in the state treasury the Centralized Gateway Enhancements Fund (Fund 5X3). The foregoing appropriation item 100-634, Centralized Gateway Enhancements, shall be used by the Office of Information Technology to pay the costs of enhancing, expanding, and operating the infrastructure of the Ohio Business Gateway, State Portal, and Shared Hosting Environment. The State Chief Information Officer shall submit periodic spending plans to the Director of Budget and Management to justify operating transfers to the fund from the General Revenue Fund. Upon approval, the Director of Budget and Management shall transfer approved amounts to the fund, not to exceed the amount of the annual appropriation in each fiscal year. The spending plans may be based on the recommendations of the Ohio Business Gateway Steering Committee or its successor.

Section 207.30.20. MAJOR IT PURCHASES

The State Chief Information Officer shall compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems from appropriation item 100-607, IT Service Delivery; appropriation item 100-617, Major IT Purchases; and appropriation item CAP-837, Major IT Purchases, which is recovered by the Office of Information Technology as part of the rates charged by the IT Service Delivery Fund (Fund 133) created in section 125.15 of the Revised Code. The Director of Budget and Management may transfer cash in an amount not to exceed the amount of amortization computed from the IT Service Delivery

Fund (Fund 133) to the Major IT Purchases Fund (Fund 4N6). 57850

Section 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT 57851

The State Chief Information Officer, with the approval of the 57852
Director of Budget and Management, may establish an information 57853
technology assessment for the purpose of recovering the cost of 57854
selected infrastructure and statewide programs. Such assessment 57855
shall comply with applicable cost principles issued by the federal 57856
Office of Management and Budget. The information technology 57857
assessment shall be charged to all organized bodies, offices, or 57858
agencies established by the laws of the state for the exercise of 57859
any function of state government except for the General Assembly, 57860
any legislative agency, the Supreme Court, the other courts of 57861
record in Ohio, or any judicial agency, the Adjutant General, the 57862
Bureau of Workers' Compensation, and institutions administered by 57863
a board of trustees. Any state-entity exempted by this section may 57864
utilize the infrastructure or statewide program by participating 57865
in the information technology assessment. All charges for the 57866
information technology assessment shall be deposited to the credit 57867
of the IT Governance Fund (Fund 229). 57868

Section 207.30.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 57869

DEBT SERVICE PAYMENTS 57870

The Director of Administrative Services, in consultation with 57871
the Multi-Agency Radio Communication System (MARCS) Steering 57872
Committee and the Director of Budget and Management, shall 57873
determine the share of debt service payments attributable to 57874
spending for MARCS components that are not specific to any one 57875
agency and that shall be charged to agencies supported by the 57876
motor fuel tax. Such share of debt service payments shall be 57877
calculated for MARCS capital disbursements made beginning July 1, 57878
1997. Within thirty days of any payment made from appropriation 57879

item 100-447, OBA - Building Rent Payments, the Director of 57880
Administrative Services shall certify to the Director of Budget 57881
and Management the amount of this share. The Director of Budget 57882
and Management shall transfer such amounts to the General Revenue 57883
Fund from the State Highway Safety Fund (Fund 036) established in 57884
section 4501.06 of the Revised Code. 57885

The State Chief Information Officer shall consider renting or 57886
leasing existing tower sites at reasonable or current market 57887
rates, so long as these existing sites are equipped with the 57888
technical capabilities to support the MARCS project. 57889

Section 207.30.50. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 57890

Whenever the Director of Administrative Services declares a 57891
"public exigency," as provided in division (C) of section 123.15 57892
of the Revised Code, the Director shall also notify the members of 57893
the Controlling Board. 57894

Section 207.30.60. GENERAL SERVICE CHARGES 57895

The Department of Administrative Services, with the approval 57896
of the Director of Budget and Management, shall establish charges 57897
for recovering the costs of administering the programs in the 57898
General Services Fund (Fund 117) and the State Printing Fund (Fund 57899
210). 57900

Section 207.30.70. STATE ENERGY SERVICES PROGRAM 57901

Within 30 days after the effective date of this section, or 57902
as soon possible thereafter, the Director of Administrative 57903
Services shall certify the remaining cash in the Federal Special 57904
Revenue Fund (Fund 307) to the Director of Budget and Management, 57905
who shall transfer that amount to the State Architect's Office 57906
(Fund 131). The cash shall be used to operate the state's energy 57907
services program. 57908

Within thirty days after the effective date of this section, 57909
or as soon as possible thereafter, the Director of Administrative 57910
Services shall certify the remaining cash in the Energy Grants 57911
Fund (Fund 5A8) to the Director of Budget and Management, who 57912
shall transfer that amount to the State Architect's Office (Fund 57913
131). The cash shall be used to operate the state's energy 57914
services program. 57915

Section 207.30.80. FEDERAL GRANTS OGRIP 57916

As soon as possible on or after July 1, 2007, the Director of 57917
Budget and Management may transfer cash in the amount of 57918
\$15,072.03 from the Federal Grants OGRIP Fund (Fund 3H6) to the 57919
General Revenue Fund. 57920

Section 209.10. AAM COMMISSION ON AFRICAN AMERICAN MALES 57921

General Revenue Fund 57922

GRF 036-100 Personal Services	\$	235,091	\$	235,091	57923
GRF 036-200 Maintenance	\$	29,000	\$	29,000	57924
GRF 036-300 Equipment	\$	1,000	\$	1,000	57925
GRF 036-502 Community Projects	\$	516,909	\$	1,016,909	57926
TOTAL GRF General Revenue Fund	\$	782,000	\$	1,282,000	57927

State Special Revenue Fund Group 57928

4H3 036-601 Commission on African	\$	10,000	\$	10,000	57929
American Males -					
Gifts/Grants					

TOTAL SSR State Special Revenue 57930

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 792,000 \$ 1,292,000 57931

CAAM STRATEGIC PLAN 57932

The Commission on African American Males shall develop a 57933
strategic plan to accomplish the tasks put forth in section 57934
4112.13 of the Revised Code. 57935

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 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
TOTAL GRF General Revenue Fund	\$	397,000	\$	403,000
TOTAL ALL BUDGET FUND GROUPS	\$	397,000	\$	403,000

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. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.

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.

On July 1, 2008, or as soon as possible thereafter, the designated fiscal agent shall certify to the Director of Budget and Management the total fiscal year 2008 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 2008 unencumbered appropriations to fiscal year 2009 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 2009.

Section 213.10. AGE DEPARTMENT OF AGING

General Revenue Fund				57984
GRF 490-321 Operating Expenses	\$	2,637,571	\$ 2,637,271	57986
GRF 490-403 PASSPORT	\$	128,391,189	\$ 158,196,465	57987
GRF 490-406 Senior Olympics	\$	14,856	\$ 14,856	57988
GRF 490-409 Ohio Community Service	\$	183,792	\$ 183,792	57989
Council Operations				
GRF 490-410 Long-Term Care	\$	654,965	\$ 654,965	57990
Ombudsman				
GRF 490-411 Senior Community	\$	10,349,439	\$ 10,349,439	57991
Services				
GRF 490-412 Residential State	\$	9,156,771	\$ 9,156,771	57992
Supplement				

GRF 490-414	Alzheimers Respite	\$	4,131,594	\$	4,131,594	57993
GRF 490-416	JCFS Community Options	\$	250,000	\$	250,000	57994
GRF 490-421	PACE	\$	10,214,809	\$	10,214,809	57995
GRF 490-422	Assisted Living Waiver	\$	12,554,940	\$	15,213,890	57996
GRF 490-506	National Senior Service Corps	\$	335,296	\$	335,296	57997
TOTAL GRF	General Revenue Fund	\$	178,875,222	\$	211,339,148	57998
	General Services Fund Group					57999
480 490-606	Senior Community Outreach and Education	\$	372,677	\$	372,677	58000
TOTAL GSF	General Services Fund					58001
Group		\$	372,677	\$	372,677	58002
	Federal Special Revenue Fund Group					58003
3C4 490-607	PASSPORT	\$	301,767,486	\$	301,274,172	58004
3C4 490-621	PACE-Federal	\$	14,586,135	\$	14,586,135	58005
3C4 490-622	Assisted Living-Federal	\$	14,972,892	\$	21,810,442	58006
3M4 490-612	Federal Independence Services	\$	62,406,819	\$	63,655,080	58007
3R7 490-617	Ohio Community Service Council Programs	\$	8,870,000	\$	8,870,000	58008
322 490-618	Federal Aging Grants	\$	10,000,000	\$	10,200,000	58009
TOTAL FED	Federal Special Revenue Fund Group	\$	412,603,332	\$	420,395,829	58010 58011
	State Special Revenue Fund Group					58012
4C4 490-609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	58013
4J4 490-610	PASSPORT/Residential State Supplement	\$	33,491,930	\$	33,263,984	58014
4U9 490-602	PASSPORT Fund	\$	4,424,969	\$	4,424,969	58015
5AA 490-673	Ohio's Best Rx Administration	\$	1,184,154	\$	910,801	58016

5BA 490-620	Ombudsman Support	\$	600,000	\$	600,000	58017
5K9 490-613	Long Term Care	\$	820,400	\$	820,400	58018
	Consumers Guide					
5W1 490-616	Resident Services	\$	330,000	\$	330,000	58019
	Coordinator Program					
624 490-604	OCSC Community Support	\$	470,000	\$	470,000	58020
TOTAL SSR	State Special Revenue					58021
Fund Group		\$	42,256,453	\$	41,755,154	58022
TOTAL ALL BUDGET FUND GROUPS		\$	634,107,684	\$	673,862,808	58023

Section 213.20. PRE-ADMISSION REVIEW FOR NURSING FACILITY 58025

ADMISSION 58026

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 58037

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. 58047
The foregoing appropriation item 490-403, PASSPORT, and the 58048
amounts set aside for the PASSPORT Waiver Program in appropriation 58049
item 490-610, PASSPORT/Residential State Supplement, shall be used 58050
to provide the required state match for federal Medicaid funds 58051
supporting the Medicaid Waiver-funded PASSPORT Home Care Program. 58052
Appropriation item 490-403, PASSPORT, and the amounts set aside 58053
for the PASSPORT Waiver Program in appropriation item 490-610, 58054
PASSPORT/Residential State Supplement, may also be used to support 58055
the Department of Aging's administrative costs associated with 58056
operating the PASSPORT program. 58057

The foregoing appropriation item 490-607, PASSPORT, shall be 58058
used to provide the federal matching share for all PASSPORT 58059
program costs determined by the Department of Job and Family 58060
Services to be eligible for Medicaid reimbursement. 58061

OHIO COMMUNITY SERVICE COUNCIL 58062

The foregoing appropriation items 490-409, Ohio Community 58063
Service Council Operations, and 490-617, Ohio Community Service 58064
Council Programs, shall be used in accordance with section 121.40 58065
of the Revised Code. 58066

LONG-TERM CARE OMBUDSMAN 58067

The foregoing appropriation item 490-410, Long-Term Care 58068
Ombudsman, shall be used for a program to fund ombudsman program 58069
activities as authorized in sections 173.14 to 173.27 and section 58070
173.99 of the Revised Code. 58071

SENIOR COMMUNITY SERVICES 58072

Appropriation item 490-411, Senior Community Services, shall 58073
be used for services designated by the Department of Aging, 58074
including, but not limited to, home-delivered and congregate 58075
meals, transportation services, personal care services, respite 58076
services, adult day services, home repair, care coordination, and 58077

decision support systems. Service priority shall be given to low 58078
income, frail, and cognitively impaired persons 60 years of age 58079
and over. The department shall promote cost sharing by service 58080
recipients for those services funded with senior community 58081
services funds, including, when possible, sliding-fee scale 58082
payment systems based on the income of service recipients. 58083

RESIDENTIAL STATE SUPPLEMENT 58084

Under the Residential State Supplement Program, the amount 58085
used to determine whether a resident is eligible for payment and 58086
for determining the amount per month the eligible resident will 58087
receive shall be as follows: 58088

(A) \$927 for a residential care facility, as defined in 58089
section 3721.01 of the Revised Code; 58090

(B) \$927 for an adult group home, as defined in Chapter 3722. 58091
of the Revised Code; 58092

(C) \$824 for an adult foster home, as defined in Chapter 173. 58093
of the Revised Code; 58094

(D) \$824 for an adult family home, as defined in Chapter 58095
3722. of the Revised Code; 58096

(E) \$824 for an adult community alternative home, as defined 58097
in Chapter 3724. of the Revised Code; 58098

(F) \$824 for an adult residential facility, as defined in 58099
Chapter 5119. of the Revised Code; 58100

(G) \$618 for adult community mental health housing services, 58101
as defined in division (B)(5) of section 173.35 of the Revised 58102
Code. 58103

The Departments of Aging and Job and Family Services shall 58104
reflect these amounts in any applicable rules the departments 58105
adopt under section 173.35 of the Revised Code. 58106

TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS 58107

The Department of Aging may transfer cash by intrastate transfer vouchers from the foregoing appropriation items 490-412, Residential State Supplement, and 490-610, PASSPORT/Residential State Supplement, to the Department of Job and Family Services' Fund 4J5, Home and Community-Based Services for the Aged Fund. The funds shall be used to make benefit payments to Residential State Supplement recipients.

ALZHEIMERS RESPITE

The foregoing appropriation item 490-414, Alzheimers Respite, shall be used to fund only Alzheimer's disease services under section 173.04 of the Revised Code.

JCFS COMMUNITY OPTIONS

The foregoing appropriation item 490-416, JCFS Community Options, shall be used for noncapital expenses related to transportation services for the elderly that provide access to such things as healthcare services, congregate meals, socialization programs, and grocery shopping. The funds shall pass through and shall be administered by the Area Agencies on Aging. Agencies receiving funding from appropriation item 490-416, JCFS Community Options, shall coordinate services with other local service agencies. The appropriation shall be allocated to the following agencies:

(A) \$80,000 in both fiscal years to Cincinnati Jewish Vocational Services;

(B) \$70,000 in both fiscal years to Wexner Heritage Village;

(C) \$20,000 in both fiscal years to Yassenoff Jewish Community Center;

(D) \$80,000 in both fiscal years to Cleveland Jewish Community Center.

ALLOCATION OF PACE SLOTS

In order to effectively administer and manage growth within 58138
the PACE Program, the Director of Aging may, as the director deems 58139
appropriate and to the extent funding is available, allocate funds 58140
for the PACE Program between the PACE sites in Cleveland and 58141
Cincinnati. 58142

OHIO'S BEST RX START-UP COSTS 58143

An amount equal to the unencumbered balance in appropriation 58144
item 490-440, Ohio's Best Rx Start-up Costs, from fiscal year 2007 58145
is hereby appropriated for fiscal year 2008 into appropriation 58146
item 490-440, Ohio's Best Rx Start-up Costs. 58147

An amount equal to the remaining unencumbered balance in 58148
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, from 58149
fiscal year 2008 is hereby appropriated for fiscal year 2009 into 58150
appropriation item 490-440, Ohio's Best Rx Start-Up Costs. The 58151
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, shall 58152
be used by the Department of Aging to pay for the administrative 58153
and operational expenses of the Ohio's Best Rx Program in 58154
accordance with sections 173.71 to 173.91 of the Revised Code, 58155
including costs associated with the duties assigned by the 58156
department to the Ohio's Best Rx Program Administrator and for 58157
making payments to participating terminal distributors until 58158
sufficient cash exists to make payments from the accounts created 58159
in sections 173.85 and 173.86 of the Revised Code. Of 58160
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, not 58161
more than \$750,000 in each fiscal year may be used by the 58162
department for administrative and operational costs, excluding 58163
outreach, that are not associated with the Ohio's Best Rx Program 58164
Administrator or the payments to participating terminal 58165
distributors. 58166

EDUCATION AND TRAINING 58167

The foregoing appropriation item 490-606, Senior Community 58168

Outreach and Education, may be used to provide training to workers 58169
in the field of aging pursuant to division (G) of section 173.02 58170
of the Revised Code. 58171

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 58172

The foregoing appropriation item 490-609, Regional Long-Term 58173
Care Ombudsman Program, shall be used solely to pay the costs of 58174
operating the regional long-term care ombudsman programs 58175
designated by the Long-Term Care Ombudsman. 58176

PASSPORT/RESIDENTIAL STATE SUPPLEMENT 58177

Of the foregoing appropriation item 490-610, 58178
PASSPORT/Residential State Supplement, up to \$2,835,000 each 58179
fiscal year may be used to fund the Residential State Supplement 58180
Program. The remaining available funds shall be used to fund the 58181
PASSPORT program. 58182

FEDERAL SUPPORTIVE SERVICES FUND 58183

On July 1, 2007, as soon as possible thereafter, the Director 58184
of Budget and Management shall transfer all assets, liabilities, 58185
revenues, and obligations associated with the Federal Aging 58186
Nutrition Fund (Fund 3M3) to the Federal Supportive Services Fund 58187
(Fund 3M4). Upon the transfer, the Federal Aging Nutrition Fund 58188
(Fund 3M3) shall cease to exist. The Director of Budget and 58189
Management shall cancel any existing encumbrances against 58190
appropriation item 490-611, Federal Aging Nutrition Fund (Fund 58191
3M3), and re-establish them against appropriation item 490-612, 58192
Federal Independence Services (Fund 3M4). The amounts of the 58193
re-established encumbrances are hereby appropriated. 58194

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 58195
AND FEDERAL AGING GRANTS 58196

Upon written request of the Director of Aging, the Director 58197
of Budget and Management may transfer appropriation authority 58198

among appropriation items 490-612, Federal Independence Services, 58199
and 490-618, Federal Aging Grants, in amounts not to exceed 30 per 58200
cent of the appropriation from which the transfer is made. The 58201
Department of Aging shall report a transfer to the Controlling 58202
Board at the next regularly scheduled meeting of the board. 58203

TRANSFER OF RESIDENT PROTECTION FUNDS 58204

The Director of Budget and Management shall transfer \$600,000 58205
per year in cash from Fund 4E3, Resident Protection Fund, in the 58206
Department of Job and Family Services, to Fund 5BA in the 58207
Department of Aging, to be used for the expansion of ombudsman 58208
services to enhance consumer involvement and person-centered care 58209
planning in nursing homes by the Office of the State Long-Term 58210
Care Ombudsman created by the Department of Aging under division 58211
(M) of section 173.01 of the Revised Code. 58212

OHIO'S BEST RX ADMINISTRATION 58213

The foregoing appropriation item 490-673, Ohio's Best Rx 58214
Administration, shall be used on an ongoing basis to cover 58215
expenses associated with the Ohio's Best Rx Program specified in 58216
section 173.86 of the Revised Code. If receipts to the fund exceed 58217
the appropriated amount, the Director of Aging may seek 58218
Controlling Board approval to increase the appropriation of this 58219
fund. Upon approval from the Controlling Board, the additional 58220
amounts are hereby appropriated. 58221

Section 213.30. UNIFIED LONG-TERM CARE BUDGET WORKGROUP 58222

(A) There is hereby created the Unified Long-Term Care Budget 58223
Workgroup consisting of the following: 58224

(1) The Director of Aging; 58225

(2) Consumer advocates; 58226

(3) Representatives of the provider community; 58227

(4) State policy makers.	58228
The Director of Aging shall serve as the chairperson of the Workgroup.	58229 58230
(B) The Workgroup shall develop a unified long-term care budget that facilitates the following:	58231 58232
(1) Providing a consumer a choice of services that meet the consumer's health care needs and improve the consumer's quality of life;	58233 58234 58235
(2) Providing a continuum of services that meet the needs of a consumer throughout life;	58236 58237
(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;	58238 58239 58240 58241
(4) Assuring the state has a system that is cost effective and links disparate services across agencies and jurisdictions.	58242 58243
(C) The Workgroup shall submit a written implementation plan to the Governor not later than June 1, 2008. The plan shall incorporate the following:	58244 58245 58246
(1) Recommendations regarding the structure of the unified long-term care budget;	58247 58248
(2) A plan outlining how funds can be transferred among involved agencies in a fiscally neutral manner;	58249 58250
(3) Identification of the resources needed to implement the unified budget in a multiphase approach starting in fiscal year 2009;	58251 58252 58253
(4) Success criteria and tools to measure progress against the success criteria.	58254 58255
The plan shall consider the recommendations of the Medicaid	58256

Administrative Study Council and the Ohio Commission to Reform Medicaid. 58257
 58258

Section 215.10. AGR DEPARTMENT OF AGRICULTURE 58259

General Revenue Fund 58260

GRF 700-321 Operating Expenses \$ 2,605,330 \$ 2,605,330 58261

GRF 700-401 Animal Disease Control \$ 3,574,506 \$ 3,574,506 58262

GRF 700-403 Dairy Division \$ 1,304,504 \$ 1,304,504 58263

GRF 700-404 Ohio Proud \$ 196,895 \$ 196,895 58264

GRF 700-405 Animal Damage Control \$ 60,000 \$ 60,000 58265

GRF 700-406 Consumer Analytical \$ 953,906 \$ 953,906 58266

Lab

GRF 700-407 Food Safety \$ 865,100 \$ 865,100 58267

GRF 700-409 Farmland Preservation \$ 241,573 \$ 241,573 58268

GRF 700-410 Plant Industry \$ 350,000 \$ 350,000 58269

GRF 700-411 International Trade \$ 617,524 \$ 617,524 58270

and Market Development

GRF 700-412 Weights and Measures \$ 1,300,000 \$ 1,300,000 58271

GRF 700-413 Gypsy Moth Prevention \$ 200,000 \$ 200,000 58272

GRF 700-415 Poultry Inspection \$ 400,000 \$ 400,000 58273

GRF 700-418 Livestock Regulation \$ 1,428,496 \$ 1,428,496 58274

Program

GRF 700-424 Livestock Testing and \$ 115,946 \$ 115,946 58275

Inspections

GRF 700-499 Meat Inspection \$ 4,696,889 \$ 4,696,889 58276

Program - State Share

GRF 700-501 County Agricultural \$ 483,226 \$ 483,226 58277

Societies

GRF 700-503 Livestock Exhibition \$ 62,500 \$ 62,500 58278

Fund

TOTAL GRF General Revenue Fund \$ 19,456,395 \$ 19,456,395 58279

General Services Fund Group 58280

5DA 700-644	Laboratory	\$	1,100,000	\$	1,100,000	58281
	Administration Support					
TOTAL GSF	General Services Fund	\$	1,100,000	\$	1,100,000	58282
Group						
Federal Special Revenue Fund Group						58283
3AB 700-641	Agricultural Easement	\$	2,000,000	\$	2,000,000	58284
3J4 700-607	Indirect Cost	\$	600,000	\$	600,000	58285
3R2 700-614	Federal Plant Industry	\$	4,800,000	\$	4,800,000	58286
326 700-618	Meat Inspection	\$	4,960,000	\$	4,950,000	58287
	Program - Federal					
	Share					
336 700-617	Ohio Farm Loan	\$	44,679	\$	44,679	58288
	Revolving Fund					
382 700-601	Cooperative Contracts	\$	3,700,000	\$	3,700,000	58289
TOTAL FED	Federal Special Revenue					58290
Fund Group		\$	16,104,679	\$	16,094,679	58291
State Special Revenue Fund Group						58292
4C9 700-605	Feed, Fertilizer,	\$	1,850,000	\$	1,850,000	58293
	Seed, and Lime					
	Inspection					
4D2 700-609	Auction Education	\$	24,601	\$	24,601	58294
4E4 700-606	Utility Radiological	\$	73,059	\$	73,059	58295
	Safety					
4P7 700-610	Food Safety Inspection	\$	858,096	\$	858,096	58296
4R2 700-637	Dairy Industry	\$	1,500,000	\$	1,500,000	58297
	Inspection					
4T6 700-611	Poultry and Meat	\$	47,294	\$	47,294	58298
	Inspection					
4T7 700-613	International Trade	\$	15,000	\$	15,000	58299
	and Market Development					
494 700-612	Agricultural Commodity	\$	250,000	\$	250,000	58300
	Marketing Program					

496	700-626	Ohio Grape Industries	\$	850,000	\$	849,999	58301
497	700-627	Commodity Handlers	\$	500,000	\$	500,000	58302
		Regulatory Program					
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	58303
5H2	700-608	Metrology Lab and	\$	427,526	\$	427,526	58304
		Scale Certification					
5L8	700-604	Livestock Management	\$	30,000	\$	30,000	58305
		Program					
578	700-620	Ride Inspection Fees	\$	1,000,000	\$	1,000,001	58306
652	700-634	Animal and Consumer	\$	3,000,000	\$	3,000,000	58307
		Analytical Laboratory					
669	700-635	Pesticide Program	\$	2,800,000	\$	2,800,000	58308
TOTAL SSR State Special Revenue							58309
Fund Group			\$	13,590,966	\$	13,590,966	58310
Clean Ohio Fund Group							58311
057	700-632	Clean Ohio	\$	149,000	\$	149,000	58312
		Agricultural Easement					
TOTAL CLR Clean Ohio Fund Group			\$	149,000	\$	149,000	58313
TOTAL ALL BUDGET FUND GROUPS			\$	49,301,040	\$	49,291,040	58314
OHIO - ISRAEL AGRICULTURAL INITIATIVE							58315
Of the foregoing General Revenue Fund appropriation item							58316
700-411, International Trade and Market Development, \$100,000							58317
shall be used in each fiscal year for the Ohio - Israel							58318
Agricultural Initiative.							58319
COUNTY AGRICULTURAL SOCIETIES							58320
The foregoing appropriation item 700-501, County Agricultural							58321
Societies, shall be used to reimburse county and independent							58322
agricultural societies for expenses related to Junior Fair							58323
activities.							58324
LIVESTOCK EXHIBITION FUND							58325
The foregoing appropriation item 700-503, Livestock							58326

Exhibition Fund, shall be used in accordance with section 901.42				58327
of the Revised Code.				58328
CORRECTIVE CASH TRANSFER TO ANIMAL HEALTH AND FOOD SAFETY				58329
FUND				58330
On the effective date of this section, or as soon as possible				58331
thereafter, the Director of Budget and Management may transfer all				58332
cash from the Animal Industry Laboratory Fund (Fund 4V5) to the				58333
Laboratory Services Fund (Fund 652) to correct deposits that were				58334
mistakenly deposited to the Laboratory Services Fund (Fund 4V5).				58335
Section 217.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY				58336
General Revenue Fund				58337
GRF 898-402 Coal Development	\$	565,097	\$ 589,092	58338
Office				
GRF 898-901 Coal R&D General	\$	7,232,400	\$ 8,192,500	58339
Obligation Debt				
Service				
TOTAL GRF General Revenue Fund	\$	7,797,497	\$ 8,781,592	58340
General Services Fund Group				58341
5EG 898-608 Energy Strategy	\$	307,000	\$ 307,000	58342
Development				
TOTAL GSF General Services Fund	\$	307,000	\$ 307,000	58343
Agency Fund Group				58344
4Z9 898-602 Small Business	\$	287,146	\$ 294,290	58345
Ombudsman				
5A0 898-603 Small Business	\$	71,087	\$ 71,087	58346
Assistance				
570 898-601 Operating Expenses	\$	255,000	\$ 264,000	58347
TOTAL AGY Agency Fund Group	\$	613,233	\$ 629,377	58348
Coal Research/Development Fund				58349
046 898-604 Coal Research and	\$	10,000,000	\$ 10,000,000	58350

Development Fund			
TOTAL 046 Coal	\$	10,000,000	\$ 10,000,000 58351
Research/Development Fund			
TOTAL ALL BUDGET FUND GROUPS	\$	18,717,730	\$ 19,717,969 58352
COAL DEVELOPMENT OFFICE			58353
The foregoing appropriation item GRF 898-402, Coal			58354
Development Office, shall be used for the administrative costs of			58355
the Coal Development Office.			58356
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE			58357
The foregoing appropriation item GRF 898-901, Coal R & D			58358
General Obligation Debt Service, shall be used to pay all debt			58359
service and related financing costs at the times they are required			58360
to be made during the period from July 1, 2007 to June 30, 2009			58361
for obligations issued under sections 151.01 and 151.07 of the			58362
Revised Code.			58363
SCIENCE AND TECHNOLOGY COLLABORATION			58364
The Air Quality Development Authority shall work in close			58365
collaboration with the Department of Development, the Board of			58366
Regents, and the Third Frontier Commission in relation to			58367
appropriation items and programs referred to as Alignment Programs			58368
in the following paragraph, and other technology-related			58369
appropriations and programs in the Department of Development, Air			58370
Quality Development Authority, and the Board of Regents as those			58371
agencies may designate, to ensure implementation of a coherent			58372
state strategy with respect to science and technology.			58373
To the extent permitted by law, the Air Quality Development			58374
Authority shall assure that coal research and development			58375
programs, proposals, and projects consider or incorporate			58376
appropriate collaborations with Third Frontier Project programs			58377
and grantees and with Alignment Programs and grantees.			58378
"Alignment Programs" means: appropriation items 195-401,			58379

Thomas Edison Program; 898-402, Coal Development Office; 195-422, 58380
Third Frontier Action Fund; 898-604, Coal Research and Development 58381
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 58382
Institute of Technology; 235-510, Ohio Supercomputer Center; 58383
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 58384
235-535, Ohio Agricultural Research and Development Center; 58385
235-553, Dayton Area Graduate Studies Institute; 235-554, 58386
Priorities in Collaborative Graduate Education; 235-556, Ohio 58387
Academic Resources Network; and 195-435, Biomedical Research and 58388
Technology Transfer Trust. 58389

Consistent with the recommendations of the Governor's 58390
Commission on Higher Education and the Economy, Alignment Programs 58391
shall be managed and administered (1) to build on existing 58392
competitive research strengths, (2) to encourage new and emerging 58393
discoveries and commercialization of ideas and products that will 58394
benefit the Ohio economy, and (3) to assure improved collaboration 58395
among Alignment Programs, with programs administered by the Third 58396
Frontier Commission, and with other state programs that are 58397
intended to improve economic growth and job creation. 58398

As directed by the Third Frontier Commission, Alignment 58399
Program managers shall report to the Commission or to the Third 58400
Frontier Advisory Board on the contributions of their programs to 58401
achieving the objectives stated in the preceding paragraph. 58402

Each alignment program shall be reviewed annually by the 58403
Third Frontier Commission with respect to its development of 58404
complementary relationships within a combined state science and 58405
technology investment portfolio and its overall contribution to 58406
the state's science and technology strategy, including the 58407
adoption of appropriately consistent criteria for: (1) the 58408
scientific merit of activities supported by the program; (2) the 58409
relevance of the program's activities to commercial opportunities 58410
in the private sector; (3) the private sector's involvement in a 58411

process that continually evaluates commercial opportunities to use 58412
the work supported by the program; and (4) the ability of the 58413
program and recipients of grant funding from the program to engage 58414
in activities that are collaborative, complementary, and efficient 58415
with respect to the expenditure of state funds. Each alignment 58416
program shall provide annual reports to the Third Frontier 58417
Commission discussing existing, planned, or possible 58418
collaborations between programs and recipients of grant funding 58419
related to technology, development, commercialization, and 58420
supporting Ohio's economic development. The annual review by the 58421
Third Frontier Commission shall be a comprehensive review of the 58422
entire state science and technology program portfolio rather than 58423
a review of individual programs. 58424

Applicants for Third Frontier and Alignment Program funding 58425
shall identify their requirements for high-performance computing 58426
facilities and services, including both hardware and software, in 58427
all proposals. If an applicant's requirements exceed approximately 58428
\$100,000 for a proposal, the Ohio Supercomputer Center shall 58429
convene a panel of experts. The panel shall review the proposal to 58430
determine whether the proposal's requirements can be met through 58431
Ohio Supercomputer Center facilities or through other means and 58432
report its conclusion to the Third Frontier Commission. 58433

To ensure that the state receives the maximum benefit from 58434
its investment in the Third Frontier Project and the Third 58435
Frontier Network, organizations receiving Third Frontier awards 58436
and Alignment Program awards shall, as appropriate, be expected to 58437
have a connection to the Third Frontier Network that enables them 58438
and their collaborators to achieve award objectives through the 58439
Third Frontier Network. 58440

CORRECTIVE CASH TRANSFER 58441

On the effective date of this section, or as soon as possible 58442
thereafter, the Director of Budget and Management may transfer 58443

\$35,555.35 in cash from the General Revenue Fund (GRF) into the 58444
 Coal Research and Development Bond Services Fund (Fund 076) to 58445
 correct deposits that were mistakenly deposited into the General 58446
 Revenue Fund (GRF). 58447

Section 219.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 58448
 SERVICES 58449

General Revenue Fund 58450

GRF 038-321 Operating Expenses	\$	1,071,861	\$	1,071,861	58451
GRF 038-401 Treatment Services	\$	33,661,063	\$	36,661,063	58452
GRF 038-404 Prevention Services	\$	1,052,127	\$	1,552,127	58453
TOTAL GRF General Revenue Fund	\$	35,785,051	\$	39,285,051	58454

General Services Fund 58455

5T9 038-616 Problem Gambling	\$	285,000	\$	285,000	58456
Services					
TOTAL GSF General Services Fund	\$	285,000	\$	285,000	58457

Group

Federal Special Revenue Fund Group 58458

3CK 038-625 TANF	\$	5,000,000	\$	5,000,000	58459
3G3 038-603 Drug Free Schools	\$	3,500,000	\$	3,500,000	58460
3G4 038-614 Substance Abuse Block	\$	73,000,000	\$	73,000,000	58461

Grant

3H8 038-609 Demonstration Grants	\$	7,093,075	\$	7,093,075	58462
3J8 038-610 Medicaid	\$	46,000,000	\$	46,000,000	58463
3N8 038-611 Administrative	\$	500,000	\$	500,000	58464

Reimbursement

TOTAL FED Federal Special Revenue					58465
Fund Group	\$	135,093,075	\$	135,093,075	58466

State Special Revenue Fund Group 58467

475 038-621 Statewide Treatment	\$	18,000,000	\$	18,000,000	58468
and Prevention					

5BR 038-406	Tobacco Use Prevention	\$	205,000	\$	205,000	58469
	and Control Program					
5DH 038-620	Fetal Alcohol Spectrum	\$	327,500	\$	327,500	58470
	Disorder					
689 038-604	Education and	\$	350,000	\$	350,000	58471
	Conferences					
TOTAL SSR	State Special Revenue					58472
Fund Group		\$	18,882,500	\$	18,882,500	58473
TOTAL ALL BUDGET FUND GROUPS		\$	190,045,626	\$	193,545,626	58474
TREATMENT SERVICES						58475
Of the foregoing appropriation item 038-401, Treatment						58476
Services, not more than \$8,190,000 shall be used by the Department						58477
of Alcohol and Drug Addiction Services for program grants for						58478
priority populations in each year of the biennium.						58479
SUBSTANCE ABUSE SERVICES FOR FAMILIES OF AT RISK CHILDREN						58480
Of the foregoing appropriation item 038-401, Treatment						58481
Services, \$4 million in each fiscal year shall be used to provide						58482
substance abuse services to families involved in the child welfare						58483
system under the requirements of Am. Sub. H.B. 484 of the 122nd						58484
General Assembly.						58485
THERAPEUTIC COMMUNITIES						58486
Of the foregoing appropriation item 038-401, Treatment						58487
Services, \$750,000 shall be used in each fiscal year for the						58488
Therapeutic Communities Program in the Department of						58489
Rehabilitation and Correction.						58490
JUVENILE AFTERCARE PROGRAM						58491
Of the foregoing appropriation item 038-401, Treatment						58492
Services, \$2,500,000 shall be used in fiscal year 2009 for the						58493
Juvenile Aftercare Program to provide community-based alcohol and						58494
other drug treatment to parolees from the Department of Youth						58495
Services.						58496

SERVICES FOR TANF-ELIGIBLE INDIVIDUALS				58497
Of the foregoing appropriation item 038-625, TANF				58498
Reimbursement, an amount up to \$5 million each year shall be used				58499
to reimburse counties for TANF-eligible expenditures for substance				58500
abuse prevention and treatment services to children, or their				58501
families, whose income is at or below 200 per cent of the federal				58502
poverty level. The Director of Alcohol and Drug Addiction Services				58503
and the Director of Job and Family Services shall enter into an				58504
interagency agreement that meets federal requirements.				58505
PERFORMANCE AUDIT				58506
The Auditor of State shall complete a performance audit of				58507
the Department of Alcohol and Drug Addiction Services. Upon				58508
completing the performance audit, the Auditor of State shall				58509
submit a report of the findings of the audit to the Governor, the				58510
President of the Senate, the Speaker of the House of				58511
Representatives, and the Director of Alcohol and Drug Addiction				58512
Services. Expenses incurred by the Auditor of State to conduct the				58513
performance audit shall be reimbursed by the Department of Alcohol				58514
and Drug Addiction Services.				58515
Section 221.10. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS				58516
General Services Fund Group				58517
4K9 891-609 Operating Expenses	\$	638,110	\$ 565,141	58518
TOTAL GSF General Services Fund				58519
Group	\$	638,110	\$ 565,141	58520
TOTAL ALL BUDGET FUND GROUPS	\$	638,110	\$ 565,141	58521
Section 223.10. ART OHIO ARTS COUNCIL				58523
General Revenue Fund				58524
GRF 370-100 Personal Services	\$	1,798,235	\$ 1,798,235	58525
GRF 370-200 Maintenance	\$	459,746	\$ 459,746	58526

GRF 370-300 Equipment	\$	82,700	\$	82,700	58527
GRF 370-502 State Program	\$	10,147,480	\$	10,147,480	58528
Subsidies					
TOTAL GRF General Revenue Fund	\$	12,488,161	\$	12,488,161	58529
General Services Fund Group					58530
4B7 370-603 Percent for Art	\$	86,366	\$	86,366	58531
Acquisitions					
460 370-602 Management Expenses	\$	285,000	\$	285,000	58532
and Donations					
TOTAL GSF General Services Fund	\$	371,366	\$	371,366	58533
Group					
Federal Special Revenue Fund Group					58534
314 370-601 Federal Support	\$	800,000	\$	800,000	58535
TOTAL FED Federal Special Revenue	\$	800,000	\$	800,000	58536
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	13,659,527	\$	13,659,527	58537
PROGRAM SUBSIDIES					58538
A museum is not eligible to receive funds from appropriation					58539
item 370-502, State Program Subsidies, if \$8,000,000 or more in					58540
capital appropriations were appropriated by the state for the					58541
museum between January 1, 1986, and December 31, 2002.					58542
Section 225.10. ATH ATHLETIC COMMISSION					58543
General Services Fund Group					58544
4K9 175-609 Operating Expenses	\$	255,850	\$	255,850	58545
TOTAL GSF General Services Fund	\$	255,850	\$	255,850	58546
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	255,850	\$	255,850	58547
Section 227.10. AGO ATTORNEY GENERAL					58549
General Revenue Fund					58550

GRF 055-321	Operating Expenses	\$	54,063,833	\$	54,007,332	58551
GRF 055-404	Tobacco Settlement	\$	0	\$	723,797	58552
	Enforcement					
GRF 055-411	County Sheriffs' Pay	\$	813,117	\$	842,134	58553
	Supplement					
GRF 055-415	County Prosecutors'	\$	896,404	\$	923,888	58554
	Pay Supplement					
TOTAL GRF	General Revenue Fund	\$	55,773,354	\$	56,497,151	58555
	General Services Fund Group					58556
106 055-612	General Reimbursement	\$	29,870,196	\$	29,870,196	58557
195 055-660	Workers' Compensation	\$	8,002,720	\$	8,002,720	58558
	Section					
4Y7 055-608	Title Defect	\$	750,000	\$	750,000	58559
	Rescission					
4Z2 055-609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000	58560
	and Cost Reimbursement					
418 055-615	Charitable Foundations	\$	6,919,850	\$	7,064,978	58561
420 055-603	Attorney General	\$	1,500,000	\$	1,500,000	58562
	Antitrust					
421 055-617	Police Officers'	\$	2,000,000	\$	2,000,000	58563
	Training Academy Fee					
5A9 055-618	Telemarketing Fraud	\$	7,500	\$	7,500	58564
	Enforcement					
590 055-633	Peace Officer Private	\$	98,370	\$	98,370	58565
	Security Fund					
629 055-636	Corrupt Activity	\$	15,000	\$	15,000	58566
	Investigation and					
	Prosecution					
631 055-637	Consumer Protection	\$	2,500,000	\$	2,500,000	58567
	Enforcement					
TOTAL GSF	General Services Fund					58568
Group		\$	52,663,636	\$	52,808,764	58569
	Federal Special Revenue Fund Group					58570

3E5	055-638	Attorney General	\$	2,850,000	\$	3,030,000	58571
		Pass-Through Funds					
3R6	055-613	Attorney General	\$	4,870,000	\$	5,115,000	58572
		Federal Funds					
306	055-620	Medicaid Fraud Control	\$	3,139,500	\$	3,296,500	58573
381	055-611	Civil Rights Legal	\$	402,540	\$	402,540	58574
		Service					
383	055-634	Crime Victims	\$	16,000,000	\$	16,000,000	58575
		Assistance					
TOTAL FED Federal Special Revenue							58576
Fund Group			\$	27,262,040	\$	27,844,040	58577
State Special Revenue Fund Group							58578
4L6	055-606	DARE	\$	3,927,962	\$	3,927,962	58579
402	055-616	Victims of Crime	\$	34,000,000	\$	34,000,000	58580
419	055-623	Claims Section	\$	25,000,000	\$	25,000,000	58581
659	055-641	Solid and Hazardous	\$	621,159	\$	621,159	58582
		Waste Background					
		Investigations					
TOTAL SSR State Special Revenue							58583
Fund Group			\$	63,549,121	\$	63,549,121	58584
Holding Account Redistribution Fund Group							58585
R04	055-631	General Holding	\$	1,000,000	\$	1,000,000	58586
		Account					
R05	055-632	Antitrust Settlements	\$	1,000	\$	1,000	58587
R18	055-630	Consumer Frauds	\$	750,000	\$	750,000	58588
R42	055-601	Organized Crime	\$	25,025	\$	25,025	58589
		Commission					
		Distributions					
TOTAL 090 Holding Account							58590
Redistribution Fund Group			\$	1,776,025	\$	1,776,025	58591
TOTAL ALL BUDGET FUND GROUPS							58592
		TOBACCO SETTLEMENT ENFORCEMENT					58593

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.

COUNTY SHERIFFS' PAY SUPPLEMENT

The foregoing appropriation item 055-411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation authority from appropriation item 055-321, Operating Expenses, to appropriation item 055-411, County Sheriffs' Pay Supplement. Any appropriation authority so transferred to appropriation item 055-411, County Sheriffs' Pay Supplement, shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055-415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation authority from appropriation item 055-321, Operating Expenses, to appropriation item 055-415, County Prosecutors' Pay Supplement. Any appropriation authority so transferred to appropriation item 055-415, County Prosecutors' Pay Supplement, shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

WORKERS' COMPENSATION SECTION

The Workers' Compensation Section Fund (Fund 195) is entitled 58625
to receive payments from the Bureau of Workers' Compensation and 58626
the Ohio Industrial Commission at the beginning of each quarter of 58627
each fiscal year to fund legal services to be provided to the 58628
Bureau of Workers' Compensation and the Ohio Industrial Commission 58629
during the ensuing quarter. The advance payment shall be subject 58630
to adjustment. 58631

In addition, the Bureau of Workers' Compensation shall 58632
transfer payments at the beginning of each quarter for the support 58633
of the Workers' Compensation Fraud Unit. 58634

All amounts shall be mutually agreed upon by the Attorney 58635
General, the Bureau of Workers' Compensation, and the Ohio 58636
Industrial Commission. 58637

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 58638

The foregoing appropriation item 055-636, Corrupt Activity 58639
Investigation and Prosecution, shall be used as provided by 58640
division (D)(2) of section 2923.35 of the Revised Code to dispose 58641
of the proceeds, fines, and penalties credited to the Corrupt 58642
Activity Investigation and Prosecution Fund, which is created in 58643
division (D)(1)(b) of section 2923.35 of the Revised Code. 58644

GENERAL HOLDING ACCOUNT 58645

The foregoing appropriation item 055-631, General Holding 58646
Account, shall be used to distribute moneys under the terms of 58647
relevant court orders received from settlements in a variety of 58648
cases involving the Office of the Attorney General. 58649

ATTORNEY GENERAL PASS-THROUGH FUNDS 58650

The foregoing appropriation item 055-638, Attorney General 58651
Pass-Through Funds, shall be used to receive federal grant funds 58652
provided to the Attorney General by other state agencies, 58653
including, but not limited to, the Department of Youth Services 58654

and the Department of Public Safety.	58655
ANTITRUST SETTLEMENTS	58656
The foregoing appropriation item 055-632, Antitrust	58657
Settlements, shall be used to distribute court-ordered antitrust	58658
settlements in which the Office of Attorney General represents the	58659
state or a political subdivision under section 109.81 of the	58660
Revised Code.	58661
CONSUMER FRAUDS	58662
The foregoing appropriation item 055-630, Consumer Frauds,	58663
shall be used for distribution of moneys from court-ordered	58664
judgments against sellers in actions brought by the Office of	58665
Attorney General under sections 1334.08 and 4549.48 and division	58666
(B) of section 1345.07 of the Revised Code. These moneys shall be	58667
used to provide restitution to consumers victimized by the fraud	58668
that generated the court-ordered judgments.	58669
ORGANIZED CRIME COMMISSION DISTRIBUTIONS	58670
The foregoing appropriation item 055-601, Organized Crime	58671
Commission Distributions, shall be used by the Organized Crime	58672
Investigations Commission, as provided by section 177.011 of the	58673
Revised Code, to reimburse political subdivisions for the expenses	58674
the political subdivisions incur when their law enforcement	58675
officers participate in an organized crime task force.	58676
BCI ASSET FORFEITURE AND COST REIMBURSEMENT	58677
The Bureau of Criminal Identification and Investigation Asset	58678
Forfeiture and Cost Reimbursement Fund created by section 109.521	58679
of the Revised Code is the same fund as the BCI Asset Forfeiture	58680
and Cost Reimbursement Fund created by the Controlling Board in	58681
January 1997.	58682
FUND ADJUSTMENTS	58683
On July 1, 2007, or as soon as practicable thereafter, the	58684

Director of Budget and Management shall transfer the cash balance 58685
in the Employment Services Fund (Fund 107) to the General 58686
Reimbursement Fund (Fund 106). The Director shall cancel any 58687
existing encumbrances against appropriation item 055-624, 58688
Employment Services, and re-establish them against appropriation 58689
item 055-612, General Reimbursement. The amounts of the 58690
re-established encumbrances are hereby appropriated. Upon 58691
completion of these transfers, the Employment Services Fund (Fund 58692
107) is hereby abolished. 58693

On July 1, 2007, or as soon as practicable thereafter, the 58694
Director of Budget and Management shall transfer the cash balance 58695
in the Crime Victims Compensation Fund (Fund 108) to the 58696
Reparations Fund (Fund 402). Upon completion of this transfer, the 58697
Crime Victims Compensation Fund (Fund 108) is hereby abolished. 58698

Section 229.10. AUD AUDITOR OF STATE

General Revenue Fund				58700	
GRF 070-321 Operating Expenses	\$	31,469,552	\$	32,771,482	58701
GRF 070-403 Fiscal Watch/Emergency	\$	600,000	\$	600,000	58702
Technical Assistance					
TOTAL GRF General Revenue Fund	\$	32,069,552	\$	33,371,482	58703
Auditor of State Fund Group					
109 070-601 Public Audit Expense -	\$	11,000,000	\$	11,000,000	58705
Intra-State					
422 070-601 Public Audit Expense -	\$	33,000,000	\$	34,000,000	58706
Local Government					
584 070-603 Training Program	\$	181,250	\$	181,250	58707
675 070-605 Uniform Accounting	\$	3,317,336	\$	3,317,336	58708
Network					
TOTAL AUD Auditor of State Fund					58709
Group	\$	47,498,586	\$	48,498,586	58710
TOTAL ALL BUDGET FUND GROUPS	\$	79,568,138	\$	81,870,068	58711

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 58712

The foregoing appropriation item 070-403, Fiscal 58713
Watch/Emergency Technical Assistance, shall be used for expenses 58714
incurred by the Office of the Auditor of State in its role 58715
relating to fiscal watch or fiscal emergency activities under 58716
Chapters 118. and 3316. of the Revised Code. Expenses include, but 58717
are not limited to, the following: duties related to the 58718
determination or termination of fiscal watch or fiscal emergency 58719
of municipal corporations, counties, or townships as outlined in 58720
Chapter 118. of the Revised Code and of school districts as 58721
outlined in Chapter 3316. of the Revised Code; development of 58722
preliminary accounting reports; performance of annual forecasts; 58723
provision of performance audits; and supervisory, accounting, or 58724
auditing services for the mentioned public entities and school 58725
districts. The unencumbered balance of appropriation item 070-403, 58726
Fiscal Watch/Emergency Technical Assistance, at the end of fiscal 58727
year 2008 is transferred to fiscal year 2009 for use under the 58728
same appropriation item. 58729

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 58730
TRANSFER 58731

Upon the request of the Auditor of State, and subject to 58732
approval from the Controlling Board, effective July 1, 2007, or as 58733
soon thereafter as possible, the Director of Budget and Management 58734
shall transfer the appropriation balance in GRF appropriation item 58735
070-406, Uniform Accounting Network/Technology Improvements Fund, 58736
to GRF appropriation item 070-321, Operating Expenses. The 58737
Director shall cancel any existing encumbrances against GRF 58738
appropriation item 070-406, Uniform Accounting Network/Technology 58739
Improvement Fund, and re-establish them against GRF appropriation 58740
item 070-321, Operating Expenses. The amounts of the 58741
re-established encumbrances are hereby appropriated. 58742

Section 231.10. BRB BOARD OF BARBER EXAMINERS				58743
General Services Fund Group				58744
4K9 877-609 Operating Expenses	\$	608,045	\$ 628,264	58745
TOTAL GSF General Services Fund				58746
Group	\$	608,045	\$ 628,264	58747
TOTAL ALL BUDGET FUND GROUPS				58748
 Section 233.10. OBM OFFICE OF BUDGET AND MANAGEMENT				 58750
General Revenue Fund				58751
GRF 042-321 Budget Development and	\$	2,026,011	\$ 2,128,284	58752
Implementation				
GRF 042-410 National Association	\$	28,700	\$ 29,561	58753
Dues				
GRF 042-412 Audit of Auditor of	\$	60,460	\$ 60,460	58754
State				
GRF 042-413 Payment Issuance	\$	1,191,802	\$ 1,150,192	58755
GRF 042-416 Medicaid Agency	\$	0	\$ 1,500,000	58756
Transition				
TOTAL GRF General Revenue Fund				58757
General Services Fund Group				58758
105 042-603 State Accounting and	\$	12,115,134	\$ 12,742,551	58759
Budgeting				
TOTAL GSF General Services Fund				58760
Group				
Federal Special Revenue Fund Group				58761
3CM 042-606 Medicaid Agency	\$	0	\$ 1,500,000	58762
Transition				
TOTAL FED Federal Special Revenue				58763
Fund Group				
State Special Revenue Fund Group				58764
5N4 042-602 OAKS Project	\$	2,200,725	\$ 2,132,168	58765

Implementation

TOTAL SSR State Special Revenue	\$	2,200,725	\$	2,132,168	58766
Fund Group					
Agency Fund Group					58767
5EH 042-604 Forgery Recovery	\$	35,000	\$	35,000	58768
TOTAL AGY Agency Fund Group	\$	35,000	\$	35,000	58769
TOTAL ALL BUDGET FUND GROUPS	\$	17,657,832	\$	21,278,216	58770

AUDIT COSTS 58771

Of the foregoing appropriation item 042-603, State Accounting 58772
and Budgeting, not more than \$435,000 in fiscal year 2008 and 58773
\$445,000 in fiscal year 2009 shall be used to pay for centralized 58774
audit costs associated with either Single Audit Schedules or 58775
financial statements prepared in conformance with generally 58776
accepted accounting principles for the state. 58777

Section 233.20. OAKS SUPPORT ORGANIZATION 58778

The OAKS Support Organization shall operate and maintain the 58779
financial management module of the state's enterprise resource 58780
planning system to support the activities of the Office of Budget 58781
and Management. The OAKS Support Organization shall recover the 58782
costs to establish and maintain the enterprise resource planning 58783
system through billings to the Office of Budget and Management. 58784

Effective July 1, 2007, the Office of Budget Management shall 58785
include the recovery of costs to administer the financial module 58786
of the OAKS System in the accounting and budgeting services 58787
payroll rate. These revenues shall be deposited to the credit of 58788
the Accounting and Budgeting Services Fund (Fund 105). Amounts 58789
deposited under this section are hereby appropriated to 58790
appropriation item 042-603, State Accounting and Budgeting. Not 58791
less than quarterly, the Office of Budget and Management shall 58792
process the intrastate transfer voucher billings to transfer the 58793
Accounting and Budgeting Services Fund (Fund 105) to the OAKS 58794

Support Organization Fund (Fund 5EB), to pay for the OAKS Support Organization Costs.				58795
				58796
TRANSFER BALANCE OF CONTINUOUS RECEIPTS FUND				58797
On or before July 31, 2007, the unencumbered cash balance in the Continuous Receipts Fund (Fund R06) shall be transferred to the Forgery Recovery Fund (Fund 5EH).				58798
				58799
				58800
Section 235.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD				58801
General Revenue Fund				58802
GRF 874-100 Personal Services	\$	2,057,000	\$	2,057,000
GRF 874-320 Maintenance and Equipment	\$	1,085,837	\$	1,080,837
TOTAL GRF General Revenue Fund	\$	3,142,837	\$	3,137,837
General Services Fund Group				58806
4G5 874-603 Capitol Square Education Center and Arts	\$	15,000	\$	15,000
4S7 874-602 Statehouse Gift Shop/Events	\$	650,484	\$	650,484
TOTAL GSF General Services Fund Group	\$	665,484	\$	665,484
Underground Parking Garage				58811
208 874-601 Underground Parking Garage Operations	\$	2,706,993	\$	2,706,993
TOTAL UPG Underground Parking Garage	\$	2,706,993	\$	2,706,993
TOTAL ALL BUDGET FUND GROUPS	\$	6,515,314	\$	6,510,314
Section 237.10. SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS				58817
General Services Fund Group				58818
				58819

4K9 233-601 Operating Expenses	\$	552,300	\$	572,700	58820
TOTAL GSF General Services Fund	\$	552,300	\$	572,700	58821
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	552,300	\$	572,700	58822
Section 239.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD					58824
General Services Fund Group					58825
4K9 930-609 Operating Expenses	\$	530,864	\$	551,146	58826
TOTAL GSF General Services Fund	\$	530,864	\$	551,146	58827
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	530,864	\$	551,146	58828
Section 241.10. CHR STATE CHIROPRACTIC BOARD					58830
General Services Fund Group					58831
4K9 878-609 Operating Expenses	\$	607,445	\$	621,621	58832
TOTAL GSF General Services Fund	\$	607,445	\$	621,621	58833
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	607,445	\$	621,621	58834
Section 243.10. CIV OHIO CIVIL RIGHTS COMMISSION					58836
General Revenue Fund					58837
GRF 876-321 Operating Expenses	\$	7,097,134	\$	7,097,134	58838
TOTAL GRF General Revenue Fund	\$	7,097,134	\$	7,097,134	58839
Federal Special Revenue Fund Group					58840
334 876-601 Investigations	\$	3,965,507	\$	4,602,185	58841
TOTAL FED Federal Special Revenue					58842
Fund Group	\$	3,965,507	\$	4,602,185	58843
State Special Revenue Fund Group					58844
217 876-604 Operations Support	\$	60,000	\$	60,000	58845
TOTAL SSR State Special					58846
Revenue Fund Group	\$	60,000	\$	60,000	58847
TOTAL ALL BUDGET FUND GROUPS	\$	11,122,641	\$	11,759,319	58848

Section 245.10. COM DEPARTMENT OF COMMERCE				58850
General Revenue Fund				58851
GRF 800-410	Labor and Worker	\$ 2,132,396	\$ 2,132,396	58852
	Safety			
Total GRF	General Revenue Fund	\$ 2,132,396	\$ 2,132,396	58853
General Services Fund Group				58854
163 800-620	Division of	\$ 4,323,037	\$ 4,413,037	58855
	Administration			
163 800-637	Information Technology	\$ 6,650,150	\$ 6,780,963	58856
5F1 800-635	Small Government Fire	\$ 300,000	\$ 300,000	58857
	Departments			
543 800-602	Unclaimed	\$ 7,880,468	\$ 8,049,937	58858
	Funds-Operating			
543 800-625	Unclaimed Funds-Claims	\$ 70,000,000	\$ 75,000,000	58859
TOTAL GSF General Services Fund				58860
Group		\$ 89,153,655	\$ 94,543,937	58861
Federal Special Revenue Fund Group				58862
348 800-622	Underground Storage	\$ 195,008	\$ 195,008	58863
	Tanks			
348 800-624	Leaking Underground	\$ 1,850,000	\$ 1,850,000	58864
	Storage Tanks			
TOTAL FED Federal Special Revenue				58865
Fund Group		\$ 2,045,008	\$ 2,045,008	58866
State Special Revenue Fund Group				58867
4B2 800-631	Real Estate Appraisal	\$ 35,000	\$ 35,000	58868
	Recovery			
4H9 800-608	Cemeteries	\$ 273,465	\$ 273,465	58869
4X2 800-619	Financial Institutions	\$ 2,474,414	\$ 2,523,918	58870
5K7 800-621	Penalty Enforcement	\$ 50,000	\$ 50,000	58871
544 800-612	Banks	\$ 6,516,507	\$ 6,703,253	58872
545 800-613	Savings Institutions	\$ 2,244,370	\$ 2,286,616	58873

546 800-610	Fire Marshal	\$	13,104,393	\$	13,579,150	58874
546 800-639	Fire Department Grants	\$	1,647,140	\$	1,647,140	58875
546 800-640	Homeland Security	\$	10,000	\$	10,000	58876
	Grants					
547 800-603	Real Estate	\$	250,000	\$	250,000	58877
	Education/Research					
548 800-611	Real Estate Recovery	\$	50,000	\$	50,000	58878
549 800-614	Real Estate	\$	3,480,038	\$	3,574,171	58879
550 800-617	Securities	\$	4,312,453	\$	4,473,094	58880
552 800-604	Credit Union	\$	3,521,037	\$	3,627,390	58881
553 800-607	Consumer Finance	\$	5,800,445	\$	5,800,445	58882
556 800-615	Industrial Compliance	\$	25,033,908	\$	25,570,011	58883
6A4 800-630	Real Estate	\$	664,006	\$	664,006	58884
	Appraiser-Operating					
653 800-629	UST Registration/Permit	\$	1,512,512	\$	1,467,160	58885
	Fee					
TOTAL SSR State Special Revenue						58886
Fund Group		\$	70,979,688	\$	72,584,819	58887
Liquor Control Fund Group						58888
043 800-601	Merchandising	\$	440,499,979	\$	464,027,015	58889
043 800-627	Liquor Control	\$	15,980,724	\$	16,334,583	58890
	Operating					
043 800-633	Development Assistance	\$	33,678,800	\$	38,616,800	58891
	Debt Service					
043 800-636	Revitalization Debt	\$	12,620,900	\$	15,683,300	58892
	Service					
TOTAL LCF Liquor Control						58893
Fund Group		\$	502,780,403	\$	534,661,698	58894
TOTAL ALL BUDGET FUND GROUPS						58895
SMALL GOVERNMENT FIRE DEPARTMENTS						58896
Notwithstanding section 3737.17 of the Revised Code, the						58897
foregoing appropriation item 800-635, Small Government Fire						58898

Departments, may be used to provide loans to private fire 58899
departments. 58900

UNCLAIMED FUNDS PAYMENTS 58901

The foregoing appropriation item 800-625, Unclaimed 58902
Funds-Claims, shall be used to pay claims under section 169.08 of 58903
the Revised Code. If it is determined that additional amounts are 58904
necessary, the amounts are hereby appropriated. 58905

UNCLAIMED FUNDS TRANSFERS 58906

Notwithstanding division (A) of section 169.05 of the Revised 58907
Code, prior to June 30, 2008, and upon the request of the Director 58908
of Budget and Management, the Director of Commerce shall transfer 58909
to the General Revenue Fund up to \$29,275,000 of unclaimed funds 58910
that have been reported by holders of unclaimed funds under 58911
section 169.05 of the Revised Code, irrespective of the allocation 58912
of the unclaimed funds under that section. 58913

Notwithstanding division (A) of section 169.05 of the Revised 58914
Code, prior to June 30, 2009, and upon the request of the Director 58915
of Budget and Management, the Director of Commerce shall transfer 58916
to the General Revenue Fund up to \$29,275,000 of unclaimed funds 58917
that have been reported by holders of unclaimed funds under 58918
section 169.05 of the Revised Code, irrespective of the allocation 58919
of the unclaimed funds under that section. 58920

CASH TRANSFER TO GENERAL REVENUE FUND 58921

Notwithstanding any other law to the contrary, the Director 58922
of Budget and Management shall transfer up to \$5,700,000 in cash 58923
in fiscal year 2008 and up to \$5,800,000 in cash in fiscal year 58924
2009 from the State Fire Marshal Fund (Fund 546) to the General 58925
Revenue Fund. 58926

FIRE DEPARTMENT GRANTS 58927

Of the foregoing appropriation item 800-639, Fire Department 58928

Grants, up to \$760,000 in each fiscal year shall be used to make 58929
annual grants to volunteer fire departments of up to \$10,000, or 58930
up to \$25,000 if the volunteer fire department provides service 58931
for an area affected by a natural disaster. The grant program 58932
shall be administered by the Fire Marshal under the Department of 58933
Commerce. The Fire Marshal shall adopt rules as are necessary for 58934
the administration and operation of the grant program. 58935

Of the foregoing appropriation item 800-639, Fire Department 58936
Grants, up to \$687,140 in each fiscal year shall be used as full 58937
or partial reimbursement to local units of government and fire 58938
departments for the cost of firefighter training and equipment or 58939
gear. Under rules that the department shall adopt, a local unit of 58940
government or fire department may apply to the department for a 58941
grant to cover all documented costs that are incurred to provide 58942
firefighter training and equipment or gear. The department shall 58943
make grants within the limits of the funding provided, with 58944
priority given to fire departments that serve small villages and 58945
townships. 58946

Of the foregoing appropriation item 800-639, Fire Department 58947
Grants, up to \$200,000 in each fiscal year shall be used to make 58948
grants to fire departments to assist in the conversion of existing 58949
data systems to the NFIRS 5 electronic fire reporting system. 58950
Under rules that the department shall adopt, awards shall have a 58951
maximum of \$50,000 per fire department and shall be based on a 58952
point system that includes factors such as consideration of the 58953
fire department's information technology and operating budgets, 58954
population and area served, number of incidents, data conversion 58955
and implementation methods, and readiness. 58956

CASH TRANSFER TO REAL ESTATE OPERATING FUND 58957

At the request of the Director of Commerce, the Director of 58958
Budget and Management may transfer up to \$100,000 in cash from the 58959
Real Estate Recovery Fund (Fund 548) and up to \$350,000 in cash 58960

from the Real Estate Appraiser Recovery Fund (Fund 4B2) to the 58961
Real Estate Operating Fund (Fund 549) during fiscal years 58962
2008-2009. 58963

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 58964

The foregoing appropriation item 800-601, Merchandising, 58965
shall be used under section 4301.12 of the Revised Code. If it is 58966
determined that additional amounts are necessary, the amounts are 58967
hereby appropriated. 58968

DEVELOPMENT ASSISTANCE DEBT SERVICE 58969

The foregoing appropriation item 800-633, Development 58970
Assistance Debt Service, shall be used to pay debt service and 58971
related financing costs at the times they are required to be made 58972
during the period from July 1, 2007, to June 30, 2009, for bond 58973
service charges on obligations issued under Chapter 166. of the 58974
Revised Code. If it is determined that additional appropriations 58975
are necessary for this purpose, such amounts are hereby 58976
appropriated, subject to the limitations set forth in section 58977
166.11 of the Revised Code. An appropriation for this purpose is 58978
not required, but is made in this form and in this act for record 58979
purposes only. 58980

REVITALIZATION DEBT SERVICE 58981

The foregoing appropriation item 800-636, Revitalization Debt 58982
Service, shall be used to pay debt service and related financing 58983
costs under sections 151.01 and 151.40 of the Revised Code during 58984
the period from July 1, 2007, to June 30, 2009. If it is 58985
determined that additional appropriations are necessary for this 58986
purpose, such amounts are hereby appropriated. The General 58987
Assembly acknowledges the priority of the pledge of a portion of 58988
receipts from that source to obligations issued and to be issued 58989
under Chapter 166. of the Revised Code. 58990

ADMINISTRATIVE ASSESSMENTS 58991

Notwithstanding any other provision of law to the contrary, 58992
Fund 163, Division of Administration, is entitled to receive 58993
assessments from all operating funds of the department in 58994
accordance with procedures prescribed by the Director of Commerce 58995
and approved by the Director of Budget and Management. 58996

Section 247.10. OCC OFFICE OF CONSUMERS' COUNSEL 58997

General Services Fund Group 58998
5F5 053-601 Operating Expenses \$ 8,498,070 \$ 8,498,070 58999
TOTAL GSF General Services Fund \$ 8,498,070 \$ 8,498,070 59000
Group
TOTAL ALL BUDGET FUND GROUPS \$ 8,498,070 \$ 8,498,070 59001

Section 249.10. CEB CONTROLLING BOARD 59003

General Revenue Fund 59004
GRF 911-404 Mandate Assistance \$ 650,000 \$ 650,000 59005
GRF 911-441 Ballot Advertising \$ 300,000 \$ 300,000 59006
Costs
TOTAL GRF General Revenue Fund \$ 950,000 \$ 950,000 59007
TOTAL ALL BUDGET FUND GROUPS \$ 950,000 \$ 950,000 59008

DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY 59009
PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM 59010

Notwithstanding any other provision of law to the contrary, 59011
the Director of Budget and Management may, with Controlling Board 59012
approval, transfer up to \$4,000,000 in cash, in each of fiscal 59013
years 2008 and 2009, from the Disaster Services Fund (Fund 5E2) to 59014
the General Revenue Fund. Upon completion of the transfer, the 59015
Director of Budget and Management shall appropriate the 59016
transferred amount to appropriation item 911-401, Emergency 59017
Purposes/Contingencies. The Controlling Board may, at the request 59018
of any state agency or the Director of Budget and Management, 59019
transfer all or part of the appropriation in appropriation item 59020

911-401, Emergency Purposes/Contingencies, for the purpose of 59021
providing disaster and emergency situation aid to state agencies 59022
and political subdivisions in the event of disasters and emergency 59023
situations or for the other purposes noted in this section, 59024
including, but not limited to, costs related to the disturbance 59025
that occurred on April 11, 1993, at the Southern Ohio Correctional 59026
Facility in Lucasville, Ohio. 59027

FEDERAL SHARE 59028

In transferring appropriations to or from appropriation items 59029
that have federal shares identified in this act, the Controlling 59030
Board shall add or subtract corresponding amounts of federal 59031
matching funds at the percentages indicated by the state and 59032
federal division of the appropriations in this act. Such changes 59033
are hereby appropriated. 59034

DISASTER ASSISTANCE 59035

Pursuant to requests submitted by the Department of Public 59036
Safety, the Controlling Board may approve transfers from 59037
appropriation item 911-401, Emergency Purposes/Contingencies, to 59038
Department of Public Safety appropriation items to provide funding 59039
for assistance to political subdivisions and individuals made 59040
necessary by natural disasters or emergencies. Such transfers may 59041
be requested and approved prior to or following the occurrence of 59042
any specific natural disasters or emergencies in order to 59043
facilitate the provision of timely assistance. 59044

DISASTER SERVICES 59045

Pursuant to requests submitted by the Department of Public 59046
Safety, the Controlling Board may approve transfers from the 59047
Disaster Services Fund (5E2) to a Department of Public Safety fund 59048
and appropriation item to provide for assistance to political 59049
subdivisions made necessary by natural disasters or emergencies. 59050
These transfers may be requested and approved prior to the 59051

occurrence of any specific natural disasters or emergencies in 59052
order to facilitate the provision of timely assistance. The 59053
Emergency Management Agency of the Department of Public Safety 59054
shall use the funding to fund the State Disaster Relief Program 59055
for disasters that have been declared by the Governor, and the 59056
State Individual Assistance Program for disasters that have been 59057
declared by the Governor and the federal Small Business 59058
Administration. The Ohio Emergency Management Agency shall publish 59059
and make available application packets outlining procedures for 59060
the State Disaster Relief Program and the State Individual 59061
Assistance Program. 59062

The Disaster Services Fund (5E2) shall be used by the 59063
Controlling Board, pursuant to requests submitted by state 59064
agencies, to transfer cash and appropriation authority to any fund 59065
and appropriation item for the payment of state agency disaster 59066
relief program expenses for disasters declared by the Governor, if 59067
the Director of Budget and Management determines that sufficient 59068
funds exist. 59069

The unencumbered balance of the Disaster Services Fund (5E2) 59070
at the end of fiscal year 2008 is transferred to fiscal year 2009 59071
for use for the same purposes as in fiscal year 2009. 59072

SOUTHERN OHIO CORRECTIONAL FACILITY COST 59073

The Division of Criminal Justice Services in the Department 59074
of Public Safety and the Public Defender Commission may each 59075
request, upon approval of the Director of Budget and Management, 59076
additional funds from appropriation item 911-401, Emergency 59077
Purposes/Contingencies, for costs related to the disturbance that 59078
occurred on April 11, 1993, at the Southern Ohio Correctional 59079
Facility in Lucasville, Ohio. 59080

MANDATE ASSISTANCE 59081

(A) The foregoing appropriation item 911-404, Mandate 59082

Assistance, shall be used to provide financial assistance to local units of government and school districts for the cost of the following two state mandates:

(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services;

(2) The cost to school districts of in-service training for child abuse detection.

(B) The Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that may be used for each program of state financial assistance.

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal Justice Services	\$150,000	
Child Abuse Detection Training Costs	Department of Education	\$500,000	

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services in the Department of

Public Safety and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Division of Criminal Justice Services in the Department of Public Safety to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services.

(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules

that the Division of Criminal Justice Services in the Department of Public Safety shall adopt, apply to the Division of Criminal Justice Services for a grant to cover all documented costs that are incurred by the county prosecutor's office.

(c) Twice each year, the Division of Criminal Justice Services in the Department of Public Safety shall designate counties to receive grants from those counties that have submitted one or more applications in compliance with the rules that have been adopted by the Division of Criminal Justice Services for the receipt of such grants. In each year's first round of grant awards, if sufficient appropriations have been made, up to a total of \$100,000 may be awarded. In each year's second round of grant awards, the remaining appropriations available for this purpose may be awarded.

(d) If for a given round of grants there are insufficient appropriations to make grant awards to all the eligible counties, the first priority shall be given to counties with cases involving aggravated murder and murder; second priority shall be given to counties with cases involving a felony of the first degree; and third priority shall be given to counties with cases involving a felony of the second degree. Within these priorities, the grant awards shall be based on the order in which the applications were received, except that applications for cases involving a felony of the first or second degree shall not be considered in more than two consecutive rounds of grant awards.

(2) CHILD ABUSE DETECTION TRAINING COSTS

Appropriations may be transferred to the Department of Education for disbursement to local school districts as full or partial reimbursement for the cost of providing in-service training for child abuse detection. In accordance with rules that the department shall adopt, a local school district may apply to the department for a grant to cover all documented costs that are

incurred to provide in-service training for child abuse detection. 59176
The department shall make grants within the limits of the funding 59177
provided. 59178

(G) Any moneys allocated within appropriation item 911-404, 59179
Mandate Assistance, not fully utilized may, upon application of 59180
the Ohio Public Defender Commission, and with the approval of the 59181
Controlling Board, be disbursed to boards of county commissioners 59182
to provide additional reimbursement for the costs incurred by 59183
counties in providing defense to indigent defendants pursuant to 59184
Chapter 120. of the Revised Code. Application for the unutilized 59185
funds shall be made by the Ohio Public Defender Commission at the 59186
first June meeting of the Controlling Board. 59187

The amount to be disbursed to each county shall be allocated 59188
proportionately on the basis of the total amount of reimbursement 59189
paid to each county as a percentage of the amount of reimbursement 59190
paid to all of the counties during the most recent state fiscal 59191
year for which data is available and as calculated by the Ohio 59192
Public Defender Commission. 59193

BALLOT ADVERTISING COSTS 59194

Pursuant to requests submitted by the Ohio Ballot Board, the 59195
Controlling Board shall approve transfers from the foregoing 59196
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 59197
Ballot Board appropriation item in order to reimburse county 59198
boards of elections for the cost of public notices associated with 59199
statewide ballot initiatives. 59200

Section 251.10. COS STATE BOARD OF COSMETOLOGY 59201

General Services Fund Group 59202
4K9 879-609 Operating Expenses \$ 3,533,679 \$ 3,533,679 59203
TOTAL GSF General Services Fund 59204
Group \$ 3,533,679 \$ 3,533,679 59205

TOTAL ALL BUDGET FUND GROUPS	\$	3,533,679	\$	3,533,679	59206
Section 253.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE					59208
AND FAMILY THERAPIST BOARD					59209
General Services Fund Group					59210
4K9 899-609 Operating Expenses	\$	1,124,267	\$	1,179,774	59211
TOTAL GSF General Services Fund					59212
Group	\$	1,124,267	\$	1,179,774	59213
TOTAL ALL BUDGET FUND GROUPS	\$	1,124,267	\$	1,179,774	59214
Section 255.10. CLA COURT OF CLAIMS					59216
General Revenue Fund					59217
GRF 015-321 Operating Expenses	\$	2,758,681	\$	2,841,441	59218
TOTAL GRF General Revenue Fund	\$	2,758,681	\$	2,841,441	59219
State Special Revenue Fund Group					59220
5K2 015-603 CLA Victims of Crime	\$	1,582,684	\$	1,582,684	59221
TOTAL SSR State Special Revenue					59222
Fund Group	\$	1,582,684	\$	1,582,684	59223
TOTAL ALL BUDGET FUND GROUPS	\$	4,341,365	\$	4,424,125	59224
Section 257.10. AFC OHIO CULTURAL FACILITIES COMMISSION					59226
General Revenue Fund					59227
GRF 371-321 Operating Expenses	\$	176,136	\$	176,136	59228
GRF 371-401 Lease Rental Payments	\$	36,604,600	\$	37,455,500	59229
TOTAL GRF General Revenue Fund	\$	36,780,736	\$	37,631,636	59230
State Special Revenue Fund Group					59231
4T8 371-601 Riffe Theatre	\$	81,000	\$	81,000	59232
Equipment Maintenance					
4T8 371-603 Project Administration	\$	983,295	\$	983,295	59233
Services					
TOTAL SSR State Special Revenue	\$	1,064,295	\$	1,064,295	59234
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	37,845,031	\$	38,695,931	59235
LEASE RENTAL PAYMENTS					59236
The foregoing appropriation item 371-401, Lease Rental					59237
Payments, shall be used to meet all payments from the Ohio					59238
Cultural Facilities Commissions to the Treasurer of State during					59239
the period from July 1, 2007, to June 30, 2009, under the primary					59240
leases and agreements for those arts and sports facilities made					59241
under Chapters 152. and 154. of the Revised Code. This					59242
appropriation is the source of funds pledged for bond service					59243
charges on related obligations issued pursuant to Chapters 152.					59244
and 154. of the Revised Code.					59245
OPERATING EXPENSES					59246
The foregoing appropriation item 371-321, Operating Expenses,					59247
shall be used by the Ohio Cultural Facilities Commission to carry					59248
out its responsibilities under this section and Chapter 3383. of					59249
the Revised Code.					59250
By July 10, 2007, or as soon as possible thereafter, the					59251
Director of Budget and Management shall determine the amount of					59252
cash from interest earnings to be transferred from the Cultural					59253
and Sports Facilities Building Fund (Fund 030) to the Cultural					59254
Facilities Commission Administration Fund (Fund 4T8).					59255
By July 10, 2008, or as soon as possible thereafter, the					59256
Director of Budget and Management shall determine the amount of					59257
cash from interest earnings to be transferred from the Cultural					59258
and Sports Facilities Building Fund (Fund 030) to the Cultural					59259
Facilities Commission Administration Fund (Fund 4T8).					59260
As soon as possible after each bond issuance made on behalf					59261
of the Cultural Facilities Commission, the Director of Budget and					59262
Management shall determine the amount of cash from any premium					59263
paid on each issuance that is available to be transferred after					59264
all issuance costs have been paid from the Cultural and Sports					59265

Facilities Building Fund (Fund 030) to the Cultural Facilities	59266
Commission Administration Fund (Fund 4T8).	59267
 CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS	 59268
The Executive Director of the Cultural Facilities Commission	59269
shall certify to the Director of Budget and Management the amount	59270
of cash receipts and related investment income, irrevocable	59271
letters of credit from a bank, or certification of the	59272
availability of funds that have been received from a county or a	59273
municipal corporation for deposit into the Capital Donations Fund	59274
(Fund 5A1) and are related to an anticipated project. These	59275
amounts are hereby appropriated to appropriation item CAP-702,	59276
Capital Donations. Prior to certifying these amounts to the	59277
Director, the Executive Director shall make a written agreement	59278
with the participating entity on the necessary cash flows required	59279
for the anticipated construction or equipment acquisition project.	59280
 Section 259.10. DEN STATE DENTAL BOARD	 59281
General Services Fund Group	59282
4K9 880-609 Operating Expenses \$ 1,437,392 \$ 1,528,749	59283
TOTAL GSF General Services Fund	59284
Group \$ 1,437,392 \$ 1,528,749	59285
TOTAL ALL BUDGET FUND GROUPS \$ 1,437,392 \$ 1,528,749	59286
 Section 261.10. BDP BOARD OF DEPOSIT	 59288
General Services Fund Group	59289
4M2 974-601 Board of Deposit \$ 1,676,000 \$ 1,676,000	59290
TOTAL GSF General Services Fund	59291
Group \$ 1,676,000 \$ 1,676,000	59292
TOTAL ALL BUDGET FUND GROUPS \$ 1,676,000 \$ 1,676,000	59293
 BOARD OF DEPOSIT EXPENSE FUND	 59294
Upon receiving certification of expenses from the Treasurer	59295

of State, the Director of Budget and Management shall transfer 59296
cash from the Investment Earnings Redistribution Fund (Fund 608) 59297
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 59298
shall be used to pay for banking charges and fees required for the 59299
operation of the State of Ohio Regular Account. 59300

Section 263.10. DEV DEPARTMENT OF DEVELOPMENT 59301

General Revenue Fund 59302

GRF 195-401 Thomas Edison Program \$ 19,404,838 \$ 17,978,483 59303

GRF 195-404 Small Business \$ 1,740,722 \$ 1,792,944 59304
Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,627,700 59305
Development Division

GRF 195-407 Travel and Tourism \$ 982,845 \$ 982,845 59306

GRF 195-410 Defense Conversion \$ 5,000,000 \$ 0 59307
Assistance

GRF 195-412 Rapid Outreach Grants \$ 10,750,000 \$ 10,000,000 59308

GRF 195-415 Economic Development \$ 5,894,975 \$ 6,071,824 59309
Division and Regional
Offices

GRF 195-416 Governor's Office of \$ 4,746,043 \$ 4,746,043 59310
Appalachia

GRF 195-422 Third Frontier Action \$ 18,790,000 \$ 16,790,000 59311
Fund

GRF 195-426 Clean Ohio \$ 300,000 \$ 309,000 59312
Implementation

GRF 195-432 International Trade \$ 4,650,501 \$ 4,650,501 59313

GRF 195-434 Investment in Training \$ 12,227,500 \$ 12,594,325 59314
Grants

GRF 195-436 Labor/Management \$ 836,225 \$ 836,225 59315
Cooperation

GRF 195-497 CDBG Operating Match \$ 1,072,184 \$ 1,072,184 59316

GRF 195-498	State Match Energy	\$	96,820	\$	96,820	59317
GRF 195-501	Appalachian Local Development Districts	\$	391,482	\$	391,482	59318
GRF 195-502	Appalachian Regional Commission Dues	\$	254,208	\$	254,208	59319
GRF 195-507	Travel and Tourism Grants	\$	1,130,000	\$	1,115,000	59320
GRF 195-520	Ohio Main Street Program	\$	450,000	\$	250,000	59321
GRF 195-521	Discover Ohio!	\$	8,000,000	\$	9,000,000	59322
GRF 195-905	Third Frontier Research & Development General Obligation Debt Service	\$	14,349,500	\$	24,523,400	59323
GRF 195-912	Job Ready Site Development General Obligation Debt Service	\$	4,359,400	\$	8,232,500	59324
TOTAL GRF	General Revenue Fund	\$	118,007,534	\$	124,315,484	59325
	General Services Fund Group					59326
135 195-684	Supportive Services	\$	11,699,404	\$	11,321,444	59327
5AD 195-667	Investment in Training Expansion	\$	2,000,000	\$	0	59328
5AD 195-668	Workforce Guarantee Program	\$	1,000,000	\$	0	59329
5AD 195-677	Economic Development Contingency	\$	5,000,000	\$	24,400,000	59330
5W5 195-690	Travel and Tourism Cooperative Projects	\$	350,000	\$	350,000	59331
5W6 195-691	International Trade Cooperative Projects	\$	300,000	\$	300,000	59332
685 195-636	Direct Cost Recovery Expenditures	\$	800,000	\$	800,000	59333

TOTAL GSF General Services Fund				59334
Group	\$	21,149,404	\$ 37,171,444	59335
Federal Special Revenue Fund Group				59336
3AE 195-643 Workforce Development Initiatives	\$	5,839,900	\$ 5,860,000	59337
3BJ 195-685 TANF Heating Assistance	\$	45,000,000	\$ 15,000,000	59338
3K8 195-613 Community Development Block Grant	\$	65,000,000	\$ 65,000,000	59339
3K9 195-611 Home Energy Assistance Block Grant	\$	110,000,000	\$ 110,000,000	59340
3K9 195-614 HEAP Weatherization	\$	22,000,000	\$ 22,000,000	59341
3L0 195-612 Community Services Block Grant	\$	25,235,000	\$ 25,235,000	59342
3V1 195-601 HOME Program	\$	40,000,000	\$ 40,000,000	59343
308 195-602 Appalachian Regional Commission	\$	475,000	\$ 475,000	59344
308 195-603 Housing and Urban Development	\$	6,000,000	\$ 6,000,000	59345
308 195-605 Federal Projects	\$	27,000,000	\$ 27,000,000	59346
308 195-609 Small Business Administration	\$	4,296,381	\$ 4,396,381	59347
308 195-618 Energy Federal Grants	\$	3,400,000	\$ 3,400,000	59348
335 195-610 Energy Conservation and Emerging Technology	\$	2,200,000	\$ 2,200,000	59349
TOTAL FED Federal Special Revenue Fund Group	\$	356,446,281	\$ 326,566,381	59350
State Special Revenue Fund Group				59352
4F2 195-639 State Special Projects	\$	518,393	\$ 518,393	59353
4F2 195-676 Marketing Initiatives	\$	5,000,000	\$ 1,000,000	59354
4S0 195-630 Tax Incentive Programs	\$	650,800	\$ 650,800	59355

4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	59356
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	59357
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	59358
451	195-625	Economic Development Financing Operating	\$	3,233,311	\$	3,233,311	59359
5AR	195-674	Industrial Site Improvements	\$	4,500,000	\$	4,500,000	59360
5CG	195-679	Alternative Fuel Transportation	\$	1,500,000	\$	1,000,000	59361
5DU	195-689	Energy Projects	\$	840,000	\$	840,000	59362
5M4	195-659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	59363
5M5	195-660	Advanced Energy Programs	\$	17,000,000	\$	17,000,000	59364
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000	59365
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	59366
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	59367
646	195-638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	59368
TOTAL SSR State Special Revenue							59369
Fund Group			\$	334,641,556	\$	330,141,556	59370
Facilities Establishment Fund Group							59371
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	59372
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	59373

037	195-615	Facilities	\$	110,000,000	\$	110,000,000	59374
		Establishment					
4Z6	195-647	Rural Industrial Park	\$	3,000,000	\$	3,000,000	59375
		Loan					
5D2	195-650	Urban Redevelopment	\$	5,475,000	\$	5,475,000	59376
		Loans					
5S8	195-627	Rural Development	\$	3,000,000	\$	3,000,000	59377
		Initiative					
5S9	195-628	Capital Access Loan	\$	3,000,000	\$	3,000,000	59378
		Program					
TOTAL	037	Facilities					59379
		Establishment Fund Group	\$	224,475,000	\$	224,475,000	59380
		Clean Ohio Revitalization Fund					59381
003	195-663	Clean Ohio Operating	\$	625,000	\$	550,000	59382
TOTAL	003	Clean Ohio Revitalization	\$	625,000	\$	550,000	59383
		Fund					
		Third Frontier Research & Development					59384
		Fund Group					
011	195-686	Third Frontier	\$	1,932,056	\$	1,932,056	59385
		Operating					
011	195-687	Third Frontier	\$	94,000,000	\$	72,000,000	59386
		Research & Development					
		Projects					
014	195-692	Research & Development	\$	28,000,000	\$	28,000,000	59387
		Taxable Bond Projects					
TOTAL	011	Third Frontier Research &	\$	123,932,056	\$	101,932,056	59388
		Development Fund Group					
		Job Ready Site Development					59389
		Fund Group					
012	195-688	Job Ready Site	\$	1,246,155	\$	1,246,155	59390
		Operating					
TOTAL	012	Job Ready Site	\$	1,246,155	\$	1,246,155	59391
		Development Fund Group					
TOTAL	ALL	BUDGET FUND GROUPS	\$	1,180,522,986	\$	1,146,398,076	59392

Section 263.10.10. THOMAS EDISON PROGRAM 59394

The foregoing appropriation item 195-401, Thomas Edison 59395
Program, shall be used for the purposes of sections 122.28 to 59396
122.38 of the Revised Code in order to provide funds for 59397
cooperative public and private efforts in technological innovation 59398
to promote the development and transfer of technology by and to 59399
Ohio businesses that will lead to the creation of jobs. The 59400
foregoing appropriation item 195-401, Thomas Edison Program, shall 59401
not be used for the operating costs of the Department of 59402
Development. 59403

Of the foregoing appropriation item 195-401, Thomas Edison 59404
Program, \$2,000,000 in fiscal year 2008 shall be used by Project 59405
Development, Inc., for technology commercialization. 59406

Section 263.10.20. SMALL BUSINESS DEVELOPMENT 59407

The foregoing appropriation item 195-404, Small Business 59408
Development, shall be used to ensure that the unique needs and 59409
concerns of small businesses are addressed. 59410

The foregoing appropriation item 195-404, Small Business 59411
Development, may be used to provide grants to local organizations 59412
to support the operation of Small Business Development Centers and 59413
other local economic development activity promoting small 59414
business, including the 1st Stop Business Connection, and for the 59415
cost of administering the small business development center 59416
program. The centers shall provide technical, financial, and 59417
management consultation for small business and shall facilitate 59418
access to state and federal programs. These funds shall be used as 59419
matching funds for grants from the United States Small Business 59420
Administration and other federal agencies, pursuant to Public Law 59421
No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and 59422
regulations and policy guidelines for the programs under this law. 59423

MINORITY BUSINESS DEVELOPMENT DIVISION 59424

Of the foregoing appropriation item 195-405, Minority 59425
Business Development Division, up to \$1,060,000 but not less than 59426
\$954,000 in each fiscal year shall be used to fund minority 59427
contractors and business assistance organizations. The Minority 59428
Business Development Division shall determine which cities need 59429
minority contractors and business assistance organizations by 59430
utilizing United States Census Bureau data and zip codes to locate 59431
the highest concentrations of minority businesses. The Minority 59432
Business Development Division also shall determine the numbers of 59433
minority contractors and business assistance organizations 59434
necessary and the amount of funding to be provided each. In 59435
addition, the Minority Business Development Division shall 59436
continue to plan and implement business conferences. 59437

Section 263.10.30. RAPID OUTREACH GRANTS 59438

The foregoing appropriation item 195-412, Rapid Outreach 59439
Grants, shall be used as an incentive for attracting and retaining 59440
business opportunities for the state. Any such business 59441
opportunity, whether new, expanding, or relocating in Ohio, is 59442
eligible for funding. The project must create or retain a 59443
significant number of jobs for Ohioans. Grant awards may be 59444
considered only when (1) the project's viability hinges on an 59445
award of funds from appropriation item 195-412, Rapid Outreach 59446
Grants; (2) all other public or private sources of financing have 59447
been considered; or (3) the funds act as a catalyst for the 59448
infusion into the project of other financing sources. 59449

The department's primary goal shall be to award funds to 59450
political subdivisions of the state for off-site infrastructure 59451
improvements. In order to meet the particular needs of economic 59452
development in a region, the department may elect to award funds 59453
directly to a business for on-site infrastructure improvements. 59454

"Infrastructure improvements" mean improvements to water system facilities, sewer and sewage treatment facilities, electric or gas service facilities, fiber optic facilities, rail facilities, site preparation, and parking facilities. The Director of Development may recommend the funds be used in an alternative manner when considered appropriate to meet an extraordinary economic development opportunity or need.

The foregoing appropriation item 195-412, Rapid Outreach Grants, may be expended only after the submission of a request to the Controlling Board by the Department of Development outlining the planned use of the funds, and the subsequent approval of the request by the Controlling Board.

The foregoing appropriation item 195-412, Rapid Outreach Grants, may be used for, but is not limited to, construction, rehabilitation, and acquisition projects for rail freight assistance as requested by the Department of Transportation. The Director of Transportation shall submit the proposed projects to the Director of Development for an evaluation of potential economic benefit.

Section 263.10.40. ECONOMIC DEVELOPMENT DIVISION AND REGIONAL OFFICES

The foregoing appropriation item 195-415, Economic Development Division and Regional Offices, shall be used for the operating expenses of the Economic Development Division and the regional economic development offices and for grants for cooperative economic development ventures.

Section 263.10.50. GOVERNOR'S OFFICE OF APPALACHIA

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 59485
Ohio's Appalachian counties. 59486

Of the foregoing appropriation item 195-416, Governor's 59487
Office of Appalachia, up to \$250,000 each fiscal year shall be 59488
used to match federal funds from the Appalachian Regional 59489
Commission to provide job training to impact the Appalachian 59490
Region. 59491

Of the foregoing appropriation item 195-416, Governor's 59492
Office of Appalachia, up to \$4,246,043 in each fiscal year shall 59493
be used in conjunction with other federal and state funds to 59494
provide financial assistance to projects in Ohio's Appalachian 59495
counties in order to further the goals of the Appalachian Regional 59496
Commission. The projects and project sponsors shall meet 59497
Appalachian Regional Commission eligibility requirements. Grants 59498
shall be administered by the Department of Development. 59499

Section 263.10.60. THIRD FRONTIER ACTION FUND 59500

The foregoing appropriation item 195-422, Third Frontier 59501
Action Fund, shall be used to make grants under sections 184.01 59502
and 184.02 of the Revised Code. Prior to the release of funds from 59503
appropriation item 195-422, Third Frontier Action Fund, each grant 59504
award shall be recommended for funding by the Third Frontier 59505
Commission and obtain approval from the Controlling Board. 59506

Of the foregoing appropriation item 195-422, Third Frontier 59507
Action Fund, not more than six per cent in each fiscal year shall 59508
be used for operating expenditures in administering the program. 59509

In addition to the six per cent for operating expenditures, 59510
an additional administrative amount, not to exceed \$1,500,000 59511
within the biennium, shall be available for proposal evaluation, 59512
research and analyses, and marketing efforts considered necessary 59513
to receive and disseminate information about science and 59514

technology-related opportunities in the state. 59515

Of the foregoing appropriation item 195-422, Third Frontier 59516
Action Fund, \$2,000,000 in fiscal year 2008 shall be used by 59517
Project Development, Inc., for business and job creation resulting 59518
from Third Frontier investments. 59519

SCIENCE AND TECHNOLOGY COLLABORATION 59520

The Department of Development shall work in close 59521
collaboration with the Board of Regents, the Air Quality 59522
Development Authority, and the Third Frontier Commission in 59523
relation to appropriation items and programs referred to as 59524
Alignment Programs in the following paragraph, and other 59525
technology-related appropriations and programs in the Department 59526
of Development, Air Quality Development Authority, and the Board 59527
of Regents as these agencies may designate, to ensure 59528
implementation of a coherent state strategy with respect to 59529
science and technology. 59530

"Alignment Programs" means appropriation items 195-401, 59531
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 59532
Third Frontier Action Fund; 898-604, Coal Research and Development 59533
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 59534
Institute of Technology; 235-510, Ohio Supercomputer Center; 59535
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 59536
235-535, Ohio Agricultural Research and Development Center; 59537
235-553, Dayton Area Graduate Studies Institute; 235-554, 59538
Priorities in Collaborative Graduate Education; 235-556, Ohio 59539
Academic Resources Network; 195-435, Biomedical Research and 59540
Technology Transfer Trust; 195-687, Third Frontier Research & 59541
Development Projects; CAP-068, Third Frontier Project; and 59542
195-692, Research & Development Taxable Bond Projects. 59543

Consistent with the recommendations of the Governor's 59544
Commission on Higher Education and the Economy, Alignment Programs 59545

shall be managed and administered in accordance with the following 59546
objectives: (1) to build on existing competitive research 59547
strengths; (2) to encourage new and emerging discoveries and 59548
commercialization of products and ideas that will benefit the Ohio 59549
economy; and (3) to assure improved collaboration among Alignment 59550
Programs with programs administered by the Third Frontier 59551
Commission and with other state programs that are intended to 59552
improve economic growth and job creation. As directed by the Third 59553
Frontier Commission, Alignment Program managers shall report to 59554
the Commission or the Third Frontier Advisory Board regarding the 59555
contributions of their programs to achieving these objectives. 59556

Each Alignment Program shall be reviewed annually by the 59557
Third Frontier Commission with respect to its development of 59558
complementary relationships within a combined state science and 59559
technology investment portfolio, and with respect to its overall 59560
contribution to the state's science and technology strategy, 59561
including the adoption of appropriately consistent criteria for: 59562
(1) the scientific merit of activities supported by the program; 59563
(2) the relevance of the program's activities to commercial 59564
opportunities in the private sector; (3) the private sector's 59565
involvement in a process that continually evaluates commercial 59566
opportunities to use the work supported by the program; and (4) 59567
the ability of the program and recipients of grant funding from 59568
the program to engage in activities that are collaborative, 59569
complementary, and efficient with respect to the expenditures of 59570
state funds. Each Alignment Program shall provide an annual report 59571
to the Third Frontier Commission that discusses existing, planned, 59572
or possible collaborations between programs and between recipients 59573
of grant funding related to technology, development, 59574
commercialization, and the support of Ohio's economic development. 59575
The annual review conducted by the Third Frontier Commission shall 59576
be a comprehensive review of the entire state science and 59577
technology program portfolio rather than a review of individual 59578

programs. 59579

Applicants for Third Frontier and Alignment Programs funding 59580
shall identify their requirements for high-performance computing 59581
facilities and services, including both hardware and software, in 59582
all proposals. If an applicant's requirements exceed approximately 59583
\$100,000 for a proposal, the Ohio Supercomputer Center shall 59584
convene a panel of experts. The panel shall review the proposal to 59585
determine whether the proposal's requirements can be met through 59586
Ohio Supercomputer Center facilities or through other means and 59587
report such information to the Third Frontier Commission. 59588

To ensure that the state receives the maximum benefit from 59589
its investment in the Third Frontier Project and the Third 59590
Frontier Network, organizations receiving Third Frontier awards 59591
and Alignment Programs awards shall, as appropriate, be expected 59592
to have a connection to the Third Frontier Network that enables 59593
them and their collaborators to achieve award objectives through 59594
the Third Frontier Network. 59595

Section 263.10.70. INTERNATIONAL TRADE 59596

The foregoing appropriation item 195-432, International 59597
Trade, shall be used to operate and to maintain Ohio's 59598
out-of-state trade offices. 59599

The Director of Development may enter into contracts with 59600
foreign nationals to staff foreign offices. The contracts may be 59601
paid in local currency or United States currency and shall be 59602
exempt from section 127.16 of the Revised Code. The director also 59603
may establish foreign currency accounts under section 122.05 of 59604
the Revised Code for the payment of expenses related to the 59605
operation and maintenance of the foreign trade offices. 59606

The foregoing appropriation item 195-432, International 59607
Trade, shall be used to fund the International Trade Division and 59608

to assist Ohio manufacturers and agricultural producers in 59609
exporting to foreign countries in conjunction with the Department 59610
of Agriculture. 59611

Of the foregoing appropriation item 195-432, International 59612
Trade, up to \$35,000 may be used to purchase gifts for 59613
representatives of foreign governments or dignitaries of foreign 59614
countries. 59615

Section 263.10.80. OHIO INVESTMENT IN TRAINING PROGRAM 59616

The foregoing appropriation items 195-434, Investment in 59617
Training Grants, and 195-667, Investment in Training Expansion, 59618
shall be used to promote training through grants for the 59619
reimbursement of eligible training expenses. 59620

Section 263.10.90. CDBG OPERATING MATCH 59621

The foregoing appropriation item 195-497, CDBG Operating 59622
Match, shall be used to provide matching funds as requested by the 59623
United States Department of Housing and Urban Development to 59624
administer the federally funded Community Development Block Grant 59625
(CDBG) program. 59626

STATE OPERATING MATCH 59627

The foregoing appropriation item 195-498, State Match Energy, 59628
shall be used to provide matching funds as required by the United 59629
States Department of Energy to administer the federally funded 59630
State Energy Plan. 59631

Section 263.10.95. DEFENSE CONVERSION ASSISTANCE 59632

Of the foregoing appropriation item 195-410, Defense 59633
Conversion Assistance, \$5,000,000 in fiscal year 2008 shall be 59634
used as a state match to federal dollars for the relocation of 59635
jobs at Wright-Patterson Air Force Base and vicinity as a result 59636

of job losses from the base realignment and closure process. 59637

Section 263.20.10. TRAVEL AND TOURISM GRANTS 59638

The foregoing appropriation item 195-507, Travel and Tourism 59639
Grants, shall be used to provide grants to local organizations to 59640
support various local travel and tourism events in Ohio. 59641

Of the foregoing appropriation item 195-507, Travel and 59642
Tourism Grants, \$50,000 in each fiscal year shall be used for the 59643
Cleveland Film Bureau. 59644

Of the foregoing appropriation item 195-507, Travel and 59645
Tourism Grants, \$50,000 in each fiscal year shall be used for the 59646
Cincinnati Film Bureau. 59647

Of the foregoing appropriation item 195-507, Travel and 59648
Tourism Grants, \$500,000 in each fiscal year shall be used for 59649
grants to The International Center for the Preservation of Wild 59650
Animals. 59651

Of the foregoing appropriation item 195-507, Travel and 59652
Tourism Grants, \$50,000 in each fiscal year shall be used for the 59653
Greater Cleveland Sports Commission. 59654

Of the foregoing appropriation item 195-507, Travel and 59655
Tourism Grants, \$50,000 in each fiscal year shall be used for the 59656
Greater Columbus Sports Commission. 59657

Of the foregoing appropriation item 195-507, Travel and 59658
Tourism Grants, \$50,000 in fiscal year 2008 shall be used for the 59659
Ohio Alliance of Science Centers. 59660

Of the foregoing appropriation item 195-507, Travel and 59661
Tourism Grants, \$100,000 in each fiscal year shall be used for the 59662
Harbor Heritage Society/Great Lakes Science Center in support of 59663
operations of the Steamship William G. Mather Maritime Museum, and 59664
\$100,000 in each fiscal year shall be used for the Great Lakes 59665
Historical Society. 59666

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$35,000 in fiscal year 2009 shall be used for the Ohio Junior Angus Association to assist with costs associated with hosting the Eastern Regional Junior Angus Show in June 2009.

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$60,000 in each fiscal year shall be used for the Ohio River Trails program.

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$60,000 in each fiscal year shall be used to support the outdoor drama "Tecumseh!"

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$25,000 in each fiscal year shall be used for Ohio's Appalachian Country.

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$25,000 in each fiscal year shall be used for the Garst Museum.

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$10,000 in each fiscal year shall be used for the Pro Football Hall of Fame Festival.

Section 263.20.13. OHIO MAIN STREET PROGRAM

Of the foregoing appropriation item 195-520, Ohio Main Street Program, \$200,000 in fiscal year 2008 shall be used for the rebuilding and revitalization of downtown Wauseon following the April 14, 2007, fire in that community. Such funds shall be used by the mayor of Wauseon or the mayor's designee to provide grants and matching grants to owners or their successors whose buildings and property were damaged or destroyed by the fire. Such grants shall only be used to supplement investments of owners or successors who are rebuilding in the downtown location of the fire.

Section 263.20.16. DISCOVER OHIO!	59697
The foregoing appropriation item 195-521, Discover Ohio!,	59698
shall be used for programs by the Division of Travel and Tourism	59699
in the Department of Development.	59700
Section 263.20.20. THIRD FRONTIER RESEARCH & DEVELOPMENT	59701
GENERAL OBLIGATION DEBT SERVICE	59702
The foregoing appropriation item 195-905, Third Frontier	59703
Research & Development General Obligation Debt Service, shall be	59704
used to pay all debt service and related financing costs during	59705
the period from July 1, 2007, to June 30, 2009, on obligations	59706
issued for research and development purposes under sections 151.01	59707
and 151.10 of the Revised Code.	59708
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	59709
The foregoing appropriation item 195-912, Job Ready Site	59710
Development General Obligation Debt Service, shall be used to pay	59711
all debt service and related financing costs during the period	59712
from July 1, 2007, to June 30, 2009, on obligations issued for job	59713
ready site development purposes under sections 151.01 and 151.11	59714
of the Revised Code.	59715
Section 263.20.30. SUPPORTIVE SERVICES	59716
The Director of Development may assess divisions of the	59717
department for the cost of central service operations. An	59718
assessment shall be based on a plan submitted to and approved by	59719
the Office of Budget and Management by August 1, 2007, and shall	59720
contain the characteristics of administrative ease and uniform	59721
application.	59722
A division's payments shall be credited to the Supportive	59723
Services Fund (Fund 135) using an intrastate transfer voucher.	59724

WORKFORCE GUARANTEE PROGRAM	59725
The foregoing appropriation item 195-668, Workforce Guarantee Program, shall be used for the Workforce Guarantee Program.	59726 59727
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.	59728 59729 59730 59731 59732 59733
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.	59734 59735 59736 59737
ECONOMIC DEVELOPMENT CONTINGENCY	59738
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.	59739 59740 59741 59742 59743
DIRECT COST RECOVERY EXPENDITURES	59744
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 General Reimbursement Fund (Fund 685) shall consist of fees and other moneys charged for conferences, subscriptions, and other administrative costs that are not central service costs.	59745 59746 59747 59748 59749 59750
Section 263.20.40. HEAP WEATHERIZATION	59751
Fifteen per cent of the federal funds received by the state for the Home Energy Assistance Block Grant shall be deposited in appropriation item 195-614, HEAP Weatherization (Fund 3K9), and	59752 59753 59754

shall be used to provide home weatherization services in the 59755
state. 59756

The Department of Development shall seek, and if approved 59757
shall implement, a federal waiver to increase the percentage of 59758
the Home Energy Block Grant that may be used for weatherization to 59759
at least sixteen and one-half per cent in fiscal year 2008 and at 59760
least seventeen and one-half per cent in fiscal year 2009. Upon 59761
approval of the federal waiver, the Director of Development shall 59762
seek Controlling Board approval to adjust appropriation items 59763
195-611, Home Energy Assistance Block Grant, and 195-614, HEAP 59764
Weatherization, as needed to implement the federal waiver. 59765

STATE SPECIAL PROJECTS 59766

The foregoing fund, Fund 4F2, State Special Projects Fund, 59767
shall be used for the deposit of private-sector funds from utility 59768
companies and for the deposit of other miscellaneous state funds. 59769
Private-sector moneys shall be used to (1) pay the expenses of 59770
verifying the income-eligibility of HEAP applicants, (2) market 59771
economic development opportunities in the state, and (3) leverage 59772
additional federal funds. State funds shall be used to match 59773
federal housing grants for the homeless and to market economic 59774
development opportunities in the state. 59775

Section 263.20.50. TAX INCENTIVE PROGRAMS OPERATING 59776

On July 1, 2007, or as soon thereafter as possible, the 59777
Director of Budget and Management shall transfer the cash balance 59778
in the Job Creation Tax Credit Operating Fund (Fund 4S1) to the 59779
Tax Incentive Programs Operating Fund (Fund 4S0). The Director 59780
shall cancel any existing encumbrances against appropriation item 59781
195-634, Job Creation Tax Credit Operating (Fund 4S1), and 59782
re-establish them against appropriation item 195-630, Tax 59783
Incentive Programs Operating (Fund 4S0). The amounts of the 59784
re-established encumbrances are hereby appropriated. 59785

Section 263.20.60. MINORITY BUSINESS ENTERPRISE LOAN	59786
All repayments from the Minority Development Financing	59787
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee	59788
Program shall be deposited in the State Treasury to the credit of	59789
the Minority Business Enterprise Loan Fund (Fund 4W1).	59790
All operating costs of administering the Minority Business	59791
Enterprise Loan Fund shall be paid from the Minority Business	59792
Enterprise Loan Fund (Fund 4WI).	59793
MINORITY BUSINESS BONDING FUND	59794
Notwithstanding Chapters 122., 169., and 175. of the Revised	59795
Code and other provisions of Am. Sub. H.B. 283 of the 123rd	59796
General Assembly, the Director of Development may, upon the	59797
recommendation of the Minority Development Financing Advisory	59798
Board, pledge up to \$10,000,000 in the FY 2008-2009 biennium of	59799
unclaimed funds administered by the Director of Commerce and	59800
allocated to the Minority Business Bonding Program under section	59801
169.05 of the Revised Code. The transfer of any cash by the	59802
Director of Budget and Management from the Department of	59803
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of	59804
Development's Minority Business Bonding Fund (Fund 449) shall	59805
occur, if requested by the Director of Development, only if such	59806
funds are needed for payment of losses arising from the Minority	59807
Business Bonding Program, and only after proceeds of the initial	59808
transfer of \$2,700,000 by the Controlling Board to the Minority	59809
Business Bonding Program has been used for that purpose. Moneys	59810
transferred by the Director of Budget and Management from the	59811
Department of Commerce for this purpose may be moneys in custodial	59812
funds held by the Treasurer of State. If expenditures are required	59813
for payment of losses arising from the Minority Business Bonding	59814
Program, such expenditures shall be made from appropriation item	59815
195-623, Minority Business Bonding Contingency in the Minority	59816

Business Bonding Fund, and such amounts are appropriated. 59817

Section 263.20.70. ECONOMIC DEVELOPMENT FINANCING OPERATING 59818

The foregoing appropriation item 195-625, Economic 59819
Development Financing Operating, shall be used for the operating 59820
expenses of financial assistance programs authorized under Chapter 59821
166. of the Revised Code and under sections 122.43 and 122.45 of 59822
the Revised Code. 59823

ALTERNATIVE FUEL TRANSPORTATION 59824

The foregoing appropriation item 195-679, Alternative Fuel 59825
Transportation, shall be used by the Director of Development to 59826
make grants under the Alternative Fuel Transportation Grant Fund 59827
Program in accordance with section 122.075 of the Revised Code, 59828
and for administrative costs associated with the program. 59829

Of the foregoing appropriation item 195-679, Alternative Fuel 59830
Transportation, up to \$1,000,000 in each fiscal year shall be used 59831
to encourage retail gas stations to provide E85 and B20 (or 59832
higher) fuel to customers in accordance with section 122.075 of 59833
the Revised Code. 59834

LOW INCOME ENERGY ASSISTANCE 59835

The foregoing appropriation item 195-659, Low Income Energy 59836
Assistance, shall be used to provide payments to regulated 59837
electric utility companies for low-income customers enrolled in 59838
Percentage of Income Payment Plan (PIPP) electric accounts, to 59839
fund targeted energy efficiency and customer education services to 59840
PIPP customers, and to cover the department's administrative costs 59841
related to Universal Service Fund Programs. If it is determined 59842
that additional appropriations are necessary to provide payments 59843
to regulated utility companies for low income customers enrolled 59844
in PIPP electric accounts, such appropriations are subject to 59845
approval by the Controlling Board upon the submission of a request 59846

by the Department of Development. 59847

ADVANCED ENERGY FUND 59848

The foregoing appropriation item 195-660, Advanced Energy 59849
Programs, shall be used to provide financial assistance to 59850
customers for eligible advanced energy projects for residential, 59851
commercial and industrial business, local government, educational 59852
institution, nonprofit, and agriculture customers, and to pay for 59853
the program's administrative costs as provided in the Revised Code 59854
and rules adopted by the Director of Development. 59855

Of the foregoing appropriation item 195-660, Advanced Energy 59856
Programs, up to \$1,000,000 over the biennium shall be used for 59857
methane digester projects. 59858

Of the foregoing appropriation item 195-660, Advanced Energy 59859
Programs, up to \$250,000 in each fiscal year shall be used for 59860
grants to school districts under section 3327.17 of the Revised 59861
Code. 59862

TRANSFER FROM THE ADVANCED ENERGY FUND TO THE INDUSTRIAL SITE 59863
IMPROVEMENTS FUND 59864

Notwithstanding Chapters 122. and 4928. of the Revised Code 59865
and any other law to the contrary, the Director of Budget and 59866
Management shall transfer \$4,500,000 in cash in fiscal year 2008 59867
and \$4,500,000 in cash in fiscal year 2009 from the Advanced 59868
Energy Fund (Fund 5M5) to the Industrial Site Improvements Fund 59869
(Fund 5AR). 59870

Moneys in Fund 5AR, Industrial Site Improvements, shall be 59871
used by the Director of Development to make grants to eligible 59872
counties for the improvement of commercial or industrial areas 59873
within those counties under section 122.951 of the Revised Code. 59874

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 59875

All payments received by the state pursuant to a series of 59876

settlements with ten brokerage firms reached with the United States Securities and Exchange Commission, the National Association of Securities Dealers, the New York Stock Exchange, the New York Attorney General, and other state regulators (henceforth referred to as the "Global Analysts Settlement Agreements"), shall be deposited into the state treasury to the credit of the Economic Development Contingency Fund (Fund 5Y6), which is hereby created in the state treasury. The fund shall be used by the Director of Development to support economic development projects for which appropriations would not otherwise be available, and shall be subject to the submission of a request to the Controlling Board by the Director outlining the planned use of the funds, and the subsequent approval of the request by the Controlling Board.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195-654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 617) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

INNOVATION OHIO LOAN FUND

The foregoing appropriation item 195-664, Innovation Ohio, shall be used to provide for innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code.

RESEARCH AND DEVELOPMENT

The foregoing appropriation item 195-665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.

Section 263.20.75. TRANSFER FROM THE LOW- AND MODERATE-INCOME HOUSING TRUST FUND TO THE RESIDENTIAL STATE SUPPLEMENT FUND 59908
59909

Notwithstanding Chapter 175. of the Revised Code and any 59910
other law to the contrary, the Director of Budget and Management 59911
shall transfer \$1,500,000 cash in fiscal year 2008 and \$1,500,000 59912
cash in fiscal year 2009 from the Low- and Moderate-Income Housing 59913
Trust Fund (Fund 646) in the Department of Development to the 59914
Residential State Supplement Fund (Fund 5CH) in the Department of 59915
Mental Health. 59916

Section 263.20.80. FACILITIES ESTABLISHMENT FUND 59917

The foregoing appropriation item 195-615, Facilities Establishment (Fund 037), shall be used for the purposes of the 59918
Facilities Establishment Fund under Chapter 166. of the Revised 59919
Code. 59920
59921

Notwithstanding Chapter 166. of the Revised Code, an amount 59922
not to exceed \$1,800,000 in cash each fiscal year may be 59923
transferred from the Facilities Establishment Fund (Fund 037) to 59924
the Economic Development Financing Operating Fund (Fund 451). The 59925
transfer is subject to Controlling Board approval under division 59926
(B) of section 166.03 of the Revised Code. 59927

Notwithstanding Chapter 166. of the Revised Code, an amount 59928
not to exceed \$5,475,000 in cash each fiscal year may be 59929
transferred during the biennium from the Facilities Establishment 59930
Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) 59931
for the purpose of removing barriers to urban core redevelopment. 59932
The Director of Development shall develop program guidelines for 59933
the transfer and release of funds, including, but not limited to, 59934
the completion of all appropriate environmental assessments before 59935
state assistance is committed to a project. The transfers shall be 59936
subject to approval by the Controlling Board upon the submission 59937

of a request by the Department of Development. 59938

Notwithstanding Chapter 166. of the Revised Code, an amount 59939
not to exceed \$3,000,000 in cash each fiscal year may be 59940
transferred from the Facilities Establishment Fund (Fund 037) to 59941
the Rural Industrial Park Loan Fund (Fund 4Z6). The transfer is 59942
subject to Controlling Board approval under section 166.03 of the 59943
Revised Code. 59944

Notwithstanding Chapter 166. of the Revised Code, of the 59945
foregoing appropriation item 195-615, Facilities Establishment, 59946
\$1,500,000 in fiscal year 2008 shall be used for business 59947
development by any current or future port authority located in 59948
Clark County. 59949

Notwithstanding Chapter 166. of the Revised Code, by July 1, 59950
2007, or as soon as possible thereafter, the Director of Budget 59951
and Management, at the request of the Director of Development, 59952
shall transfer \$5,719,325 cash from the Facilities Establishment 59953
Fund (Fund 037) to the General Revenue Fund. Of the amount to be 59954
transferred, \$5,352,500 in fiscal year 2008 is hereby appropriated 59955
in appropriation item 195-412, Rapid Outreach Grants, and \$366,825 59956
in fiscal year 2008 is hereby appropriated in appropriation item 59957
195-434, Investment in Training Grants. 59958

Notwithstanding Chapter 166. of the Revised Code, by July 1, 59959
2008, or as soon as possible thereafter, the Director of Budget 59960
and Management, at the request of the Director of Development, 59961
shall transfer \$6,102,500 cash from the Facilities Establishment 59962
Fund (Fund 037) to the General Revenue Fund. The amount 59963
transferred is hereby appropriated in appropriation item 195-412, 59964
Rapid Outreach Grants, for fiscal year 2009. 59965

Notwithstanding Chapter 166. of the Revised Code, by the 59966
first day of July of each year of the biennium, or as soon as 59967
possible thereafter, the Director of Budget and Management, at the 59968

request of the Director of Development, shall transfer \$4,275,000 59969
cash from the Facilities Establishment Fund (Fund 037) to the Job 59970
Development Initiatives Fund (Fund 5AD). The amount transferred is 59971
hereby appropriated in each fiscal year in appropriation item 59972
195-677, Economic Development Contingency. 59973

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND 59974

Notwithstanding Chapter 166. of the Revised Code, an amount 59975
not to exceed \$1,000,000 in cash each fiscal year shall be 59976
transferred from moneys in the Facilities Establishment Fund (Fund 59977
037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG) 59978
in the Department of Development. 59979

RURAL DEVELOPMENT INITIATIVE FUND 59980

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 59981
entitled to receive moneys from the Facilities Establishment Fund 59982
(Fund 037). The Director of Development may make grants from the 59983
Rural Development Initiative Fund as specified in division (A)(2) 59984
of this section to eligible applicants in Appalachian counties and 59985
in rural counties in the state that are designated as distressed 59986
under section 122.25 of the Revised Code. Preference shall be 59987
given to eligible applicants located in Appalachian counties 59988
designated as distressed by the federal Appalachian Regional 59989
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 59990
cease to exist after June 30, 2009. All moneys remaining in the 59991
Fund after that date shall revert to the Facilities Establishment 59992
Fund (Fund 037). 59993

(2) The Director of Development shall make grants from the 59994
Rural Development Initiative Fund (Fund 5S8) only to eligible 59995
applicants who also qualify for and receive funding under the 59996
Rural Industrial Park Loan Program as specified in sections 122.23 59997
to 122.27 of the Revised Code. Eligible applicants shall use the 59998
grants for the purposes specified in section 122.24 of the Revised 59999

Code. All projects supported by grants from the fund are subject 60000
to Chapter 4115. of the Revised Code as specified in division (E) 60001
of section 166.02 of the Revised Code. The Director shall develop 60002
program guidelines for the transfer and release of funds. The 60003
release of grant moneys to an eligible applicant is subject to 60004
Controlling Board approval. 60005

(B) Notwithstanding Chapter 166. of the Revised Code, the 60006
Director of Budget and Management may transfer an amount not to 60007
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 60008
at the request of the Director of Development from the Facilities 60009
Establishment Fund (Fund 037) to the Rural Development Initiative 60010
Fund (Fund 5S8). The transfer is subject to Controlling Board 60011
approval under section 166.03 of the Revised Code. 60012

CAPITAL ACCESS LOAN PROGRAM 60013

The foregoing appropriation item 195-628, Capital Access Loan 60014
Program, shall be used for operating, program, and administrative 60015
expenses of the program. Funds of the Capital Access Loan Program 60016
shall be used to assist participating financial institutions in 60017
making program loans to eligible businesses that face barriers in 60018
accessing working capital and obtaining fixed-asset financing. 60019

Notwithstanding Chapter 166. of the Revised Code, the 60020
Director of Budget and Management may transfer an amount not to 60021
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 60022
at the request of the Director of Development from the Facilities 60023
Establishment Fund (Fund 037) to the Capital Access Loan Program 60024
Fund (Fund 5S9). The transfer is subject to Controlling Board 60025
approval under section 166.03 of the Revised Code. 60026

Section 263.20.90. CLEAN OHIO OPERATING EXPENSES 60027

The foregoing appropriation item 195-663, Clean Ohio 60028
Operating, shall be used by the Department of Development in 60029

administering sections 122.65 to 122.658 of the Revised Code. 60030

THIRD FRONTIER OPERATING 60031

The foregoing appropriation item 195-686, Third Frontier 60032
Operating, shall be used for operating expenses incurred by the 60033
Department of Development in administering sections 184.10 to 60034
184.20 of the Revised Code. 60035

THIRD FRONTIER RESEARCH & DEVELOPMENT PROJECTS 60036

The foregoing appropriation item 195-687, Third Frontier 60037
Research & Development Projects, shall be used by the Department 60038
of Development to fund selected projects pursuant to sections 60039
184.10 to 184.20 of the Revised Code. 60040

Notwithstanding sections 184.10 to 184.20 of the Revised 60041
Code, of the foregoing appropriation item 195-687, Third Frontier 60042
Research & Development Projects, up to \$20,000,000 in fiscal year 60043
2008 shall be used by the Office of Information Technology, in 60044
partnership with the Ohio Supercomputer Center's OSCnet, to 60045
acquire the equipment and services necessary to migrate state 60046
agencies' network to the existing OSCnet network backbone. This 60047
state network shall be known as the NextGen Network. 60048

Notwithstanding sections 184.10 to 184.20 of the Revised 60049
Code, \$20,000,000 in fiscal year 2009 from appropriation item 60050
195-687, Third Frontier Research & Development Projects, shall be 60051
used to fund the Ohio Research Scholars Program in the Board of 60052
Regents pursuant to sections 3333.60 to 3333.70 of the Revised 60053
Code. 60054

Notwithstanding sections 184.10 to 184.20 of the Revised 60055
Code, at the direction of the Director of Budget and Management up 60056
to \$18,000,000 in each fiscal year from appropriation item 60057
195-687, Third Frontier Research & Development Projects, and 60058
appropriation item 195-692, Research & Development Taxable Bond 60059
Projects, shall be used to fund the Research Incentive Program in 60060

the Board of Regents. 60061

On or before June 30, 2008, any unencumbered balances of the 60062
foregoing appropriation items 195-687, Third Frontier Research & 60063
Development Projects, and 195-692, Research and Development 60064
Taxable Bond Projects, for fiscal year 2008 are hereby 60065
appropriated for the same purposes for fiscal year 2009. 60066

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 60067

The Ohio Public Facilities Commission, upon request of the 60068
Department of Development, is hereby authorized to issue and sell, 60069
in accordance with Section 2p of Article VIII, Ohio Constitution, 60070
and particularly sections 151.01 and 151.10 of the Revised Code, 60071
original obligations of the State of Ohio in an aggregate amount 60072
not to exceed \$150,000,000. The authorized obligations shall be 60073
issued and sold from time to time and in amounts necessary to 60074
ensure sufficient moneys to the credit of the Third Frontier 60075
Research & Development Fund (Fund 011) to pay costs of research 60076
and development projects. 60077

JOB READY SITE OPERATING 60078

The foregoing appropriation item 195-688, Job Ready Site 60079
Operating, shall be used for operating expenses incurred by the 60080
Department of Development in administering sections 122.085 to 60081
122.0820 of the Revised Code. Operating expenses include, but are 60082
not limited to, certain expenses of the District Public Works 60083
Integrating Committees, audit and accountability activities, and 60084
costs associated with formal certifications verifying that site 60085
infrastructure is in place and is functional. 60086

Section 263.30.10. UNCLAIMED FUNDS TRANSFER 60087

(A) Notwithstanding division (A) of section 169.05 of the 60088
Revised Code, upon the request of the Director of Budget and 60089
Management, the Director of Commerce, prior to June 30, 2008, 60090

shall transfer to the Job Development Initiatives Fund (Fund 5AD) 60091
an amount not to exceed \$5,000,000 in cash of the unclaimed funds 60092
that have been reported by the holders of unclaimed funds under 60093
section 169.05 of the Revised Code, regardless of the allocation 60094
of the unclaimed funds described under that section. 60095

Notwithstanding division (A) of section 169.05 of the Revised 60096
Code, upon the request of the Director of Budget and Management, 60097
the Director of Commerce, prior to June 30, 2009, shall transfer 60098
to the Job Development Initiatives Fund (Fund 5AD) an amount not 60099
to exceed \$24,400,000 in cash of the unclaimed funds that have 60100
been reported by the holders of unclaimed funds under section 60101
169.05 of the Revised Code, regardless of the allocation of the 60102
unclaimed funds described under that section. 60103

(B) Notwithstanding division (A) of section 169.05 of the 60104
Revised Code, upon the request of the Director of Budget and 60105
Management, the Director of Commerce, prior to June 30, 2008, 60106
shall transfer to the State Special Projects Fund (Fund 4F2) an 60107
amount not to exceed \$2,500,000 of the unclaimed funds that have 60108
been reported by the holders of unclaimed funds under section 60109
169.05 of the Revised Code, regardless of the allocation of the 60110
unclaimed funds described under that section. 60111

Notwithstanding division (A) of section 169.05 of the Revised 60112
Code, upon the request of the Director of Budget and Management, 60113
the Director of Commerce, prior to June 30, 2009, shall transfer 60114
to the State Special Projects Fund (Fund 4F2) an amount not to 60115
exceed \$2,500,000 in cash of the unclaimed funds that have been 60116
reported by the holders of unclaimed funds under section 169.05 of 60117
the Revised Code, regardless of the allocation of the unclaimed 60118
funds described under that section. 60119

Section 263.30.20. WORKFORCE DEVELOPMENT 60120

The Director of Development and the Director of Job and 60121

Family Services may enter into one or more interagency agreements 60122
between the two departments, hire staff, transfer staff, assign 60123
duties to staff, enter into contracts, transfer assets, and take 60124
other actions the directors consider necessary to provide services 60125
and assistance as necessary to integrate workforce development 60126
into a larger economic development strategy, to implement the 60127
recommendations of the Workforce Policy Board, and to perform 60128
activities related to the transition of the administration of 60129
employment programs identified by the board. Subject to the 60130
approval of the Director of Budget and Management, the Department 60131
of Development and the Department of Job and Family Services may 60132
expend funds to support the recommendations of the Workforce 60133
Policy Board in the area of integration of employment functions as 60134
described in this paragraph and to provide implementation and 60135
transition activities from the appropriations to those 60136
departments. 60137

Section 263.30.30. COMMISSION ON THE FUTURE OF HEALTH CARE 60138
EDUCATION AND PHYSICIAN RETENTION IN NW OH 60139

(A) Whereas, There is a physician shortage, particularly in 60140
certain specialties, that is predicted to worsen within the next 60141
decade; and 60142

Whereas, This shortage may worsen as a result of, among other 60143
factors, fewer than ten per cent of new graduates from the 60144
University of Toledo who choose to continue their training in 60145
northwest Ohio; and 60146

Whereas, Many of the problems confronting physician training 60147
at the graduate medical education level are already manifest in 60148
northwest Ohio; and 60149

Whereas, It is prudent to examine the physician shortage 60150
using northwest Ohio as a microcosm for the entire state of Ohio; 60151
now therefore be it 60152

Resolved by the Ohio General Assembly that there is hereby
created the Commission on the Future of Health Care Education and
Physician Retention in NW OH.

(B) The Commission shall be composed of the following
members:

(1) Six representatives of health care providers in northwest
Ohio, none of whom shall be from the same organization;

(2) Six representatives of the health care profession in
northwest Ohio, composed of the following individuals:

(a) One from the College of Medicine at the University of
Toledo;

(b) One from the northwest Ohio chapter of the Ohio Nurses
Association;

(c) One from the Academy of Medicine of Toledo and Lucas
County;

(d) One from the Northwest Ohio Pediatric Society;

(e) One geriatric medicine physician affiliated with Ohio
University College of Osteopathic Medicine; and

(f) One osteopathic physician affiliated with Ohio University
College of Osteopathic Medicine.

(3) Three representatives from northwest Ohio business and
labor organizations, composed of the following individuals:

(a) One from the Toledo Area Regional Chamber of Commerce;

(b) One from the labor community of northwest Ohio; and

(c) One from the health insurance industry.

(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.

(5) Nine representatives of state and local government,	60181
composed of the following individuals:	60182
(a) Two members of the Ohio House of Representatives, one	60183
from the minority party and one from the majority party;	60184
(b) Two members of the Ohio Senate, one from the minority	60185
party and one from the majority party;	60186
(c) One township trustee of northwest Ohio;	60187
(d) Two representatives of northwest Ohio municipal	60188
corporations, only one of whom shall be from the City of Toledo;	60189
(e) Two representatives of county commissioners, only one of	60190
whom shall be from Lucas County.	60191
(C) Members of the committee shall be appointed as follows:	60192
(1) For those members described in divisions (B)(1) and (2)	60193
of this section, two each by the Governor, the Speaker of the	60194
House of Representatives, and the President of the Senate;	60195
(2) For those members described in divisions (B)(3) and (4)	60196
of this section, one each by the Governor, the Speaker of the	60197
House of Representatives, and the President of the Senate;	60198
(3) For those members described in division (B)(5), three	60199
each by the Governor, the Speaker of the House of Representatives,	60200
and the President of the Senate.	60201
(D) Members of the Commission shall be appointed not later	60202
than 30 days after the effective date of this section and shall	60203
first meet not later than 30 days after all appointments have been	60204
made. At its first meeting, the commission shall elect from among	60205
its members who are members of the Senate and House of	60206
Representatives a chairperson and vice-chairperson.	60207
Members of the commission shall serve without compensation,	60208
but may solicit on behalf of the Commission public and private	60209
funds to defray any costs of the Commission. The Commission shall	60210

meet at the call of the chairperson to conduct its official 60211
business. A majority of members shall constitute a quorum and a 60212
quorum shall be necessary to conduct any activities of the 60213
Commission. 60214

(E) The Toledo Community Foundation or a similar organization 60215
shall provide meeting space and administrative support for the 60216
Commission. The Ohio Board of Regents shall serve as a resource to 60217
the Commission. 60218

(F) The Commission shall prepare a report that examines and 60219
makes recommendations regarding the graduate medical education 60220
system in northwest Ohio, including: 60221

(1) Ways to increase the number and retention of medical 60222
graduates in northwest Ohio; 60223

(2) The status of the health care workforce in northwest 60224
Ohio; 60225

(3) The role of the University of Toledo in the health care 60226
education of the surrounding region; 60227

(4) Potential changes in federal and state statutes and rules 60228
regarding Medicaid support of graduate medical education; and 60229

(5) Policy initiatives that the Governor and General Assembly 60230
may consider to strengthen graduate medical education 60231
opportunities and physician retention in northwest Ohio. 60232

(G) The Commission shall, not later than nine months after 60233
the effective date of this section, submit to the Governor and 60234
General Assembly the report and recommendations prepared under 60235
division (F) of this section. On submission of the report, the 60236
Commission shall cease to exist. 60237

Section 265.10. OBD OHIO BOARD OF DIETETICS 60238

General Services Fund Group 60239

4K9 860-609 Operating Expenses	\$	342,501	\$	348,964	60240
TOTAL GSF General Services Fund					60241
Group	\$	342,501	\$	348,964	60242
TOTAL ALL BUDGET FUND GROUPS	\$	342,501	\$	348,964	60243

Section 267.10. CDR COMMISSION ON DISPUTE RESOLUTION AND CONFLICT MANAGEMENT 60245
60246

General Revenue Fund					60247
GRF 145-401 Commission Operations	\$	455,123	\$	460,000	60248
TOTAL GRF General Revenue Fund	\$	455,123	\$	460,000	60249
General Services Fund Group					60250
4B6 145-601 Dispute Resolution Programs	\$	140,000	\$	140,000	60251
TOTAL GSF General Services Fund	\$	140,000	\$	140,000	60252
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	595,123	\$	600,000	60253

Section 269.10. EDU DEPARTMENT OF EDUCATION 60255

General Revenue Fund					60256
GRF 200-100 Personal Services	\$	11,533,494	\$	12,110,169	60257
GRF 200-320 Maintenance and Equipment	\$	4,549,479	\$	4,778,203	60258
GRF 200-408 Early Childhood Education	\$	31,002,195	\$	36,502,195	60259
GRF 200-410 Educator Training	\$	19,628,817	\$	20,628,817	60260
GRF 200-416 Career-Technical Education Match	\$	2,233,195	\$	2,233,195	60261
GRF 200-420 Computer/Application/Network Development	\$	5,536,362	\$	5,793,700	60262
GRF 200-421 Alternative Education Programs	\$	14,910,665	\$	12,910,665	60263
GRF 200-422 School Management	\$	3,360,572	\$	2,960,572	60264

		Assistance				
GRF	200-424	Policy Analysis	\$	556,687	\$	556,687 60265
GRF	200-425	Tech Prep Consortia	\$	2,069,217	\$	2,069,217 60266
		Support				
GRF	200-426	Ohio Educational	\$	30,446,197	\$	30,446,197 60267
		Computer Network				
GRF	200-427	Academic Standards	\$	7,197,730	\$	7,197,730 60268
GRF	200-431	School Improvement	\$	21,589,235	\$	22,339,235 60269
		Initiatives				
GRF	200-433	Literacy	\$	15,765,000	\$	15,765,000 60270
		Improvement-Professional				
		Development				
GRF	200-437	Student Assessment	\$	77,150,819	\$	76,387,144 60271
GRF	200-439	Accountability/Report	\$	7,096,040	\$	8,223,540 60272
		Cards				
GRF	200-442	Child Care Licensing	\$	1,302,495	\$	1,302,495 60273
GRF	200-446	Education Management	\$	16,110,510	\$	16,586,082 60274
		Information System				
GRF	200-447	GED Testing	\$	1,544,360	\$	1,544,360 60275
GRF	200-448	Educator Preparation	\$	1,301,000	\$	1,301,000 60276
GRF	200-455	Community Schools	\$	1,533,661	\$	1,533,661 60277
GRF	200-457	STEM Initiatives	\$	10,000,000	\$	10,000,000 60278
GRF	200-502	Pupil Transportation	\$	424,783,117	\$	429,030,948 60279
GRF	200-503	Bus Purchase Allowance	\$	14,000,000	\$	14,000,000 60280
GRF	200-505	School Lunch Match	\$	8,998,025	\$	8,998,025 60281
GRF	200-509	Adult Literacy	\$	8,669,738	\$	8,669,738 60282
		Education				
GRF	200-511	Auxiliary Services	\$	131,740,457	\$	135,692,670 60283
GRF	200-514	Postsecondary Adult	\$	19,481,875	\$	19,481,875 60284
		Career-Technical				
		Education				
GRF	200-521	Gifted Pupil Program	\$	47,608,030	\$	48,008,613 60285
GRF	200-532	Nonpublic	\$	59,810,517	\$	61,604,832 60286

		Administrative Cost				
		Reimbursement				
GRF	200-536	Ohio Core Support	\$	7,700,000	\$	15,125,000 60287
GRF	200-540	Special Education	\$	138,619,945	\$	139,756,839 60288
		Enhancements				
GRF	200-545	Career-Technical	\$	9,298,651	\$	9,373,926 60289
		Education Enhancements				
GRF	200-550	Foundation Funding	\$	5,761,699,328	\$	6,034,943,246 60290
GRF	200-566	Literacy	\$	12,062,336	\$	12,062,336 60291
		Improvement-Classroom				
		Grants				
GRF	200-578	Violence Prevention	\$	1,218,555	\$	1,218,555 60292
		and School Safety				
GRF	200-901	Property Tax	\$	794,583,404	\$	850,868,654 60293
		Allocation - Education				
GRF	200-906	Tangible Tax Exemption	\$	21,415,244	\$	10,707,622 60294
		- Education				
TOTAL GRF		General Revenue Fund	\$	7,751,106,952	\$	8,092,712,743 60295
		General Services Fund Group				60296
138	200-606	Computer	\$	7,600,091	\$	7,600,091 60297
		Services-Operational				
		Support				
4D1	200-602	Ohio	\$	832,000	\$	832,000 60298
		Prevention/Education				
		Resource Center				
4L2	200-681	Teacher Certification	\$	5,966,032	\$	6,323,994 60299
		and Licensure				
452	200-638	Miscellaneous	\$	273,166	\$	279,992 60300
		Educational Services				
5H3	200-687	School District	\$	18,000,000	\$	18,000,000 60301
		Solvency Assistance				
596	200-656	Ohio Career	\$	529,761	\$	529,761 60302
		Information System				

TOTAL GSF General Services				60303
Fund Group	\$	33,201,050	\$ 33,565,838	60304
Federal Special Revenue Fund Group				60305
3AF 200-603 Schools Medicaid	\$	486,000	\$ 639,000	60306
Administrative Claims				
3BK 200-628 Longitudinal Data	\$	1,795,570	\$ 307,050	60307
Systems				
3BV 200-636 Character Education	\$	700,000	\$ 700,000	60308
3CF 200-644 Foreign Language	\$	85,000	\$ 285,000	60309
Assistance				
3CG 200-646 Teacher Incentive Fund	\$	6,552,263	\$ 3,994,338	60310
3C5 200-661 Early Childhood	\$	18,989,779	\$ 18,989,779	60311
Education				
3D1 200-664 Drug Free Schools	\$	13,347,966	\$ 13,347,966	60312
3D2 200-667 Honors Scholarship	\$	6,573,968	\$ 6,665,000	60313
Program				
3H9 200-605 Head Start	\$	275,000	\$ 275,000	60314
Collaboration Project				
3L6 200-617 Federal School Lunch	\$	244,714,211	\$ 249,903,970	60315
3L7 200-618 Federal School	\$	63,927,606	\$ 69,041,814	60316
Breakfast				
3L8 200-619 Child/Adult Food	\$	69,280,946	\$ 70,691,653	60317
Programs				
3L9 200-621 Career-Technical	\$	48,029,701	\$ 48,029,701	60318
Education Basic Grant				
3M0 200-623 ESEA Title 1A	\$	415,000,000	\$ 420,000,000	60319
3M1 200-678 Innovative Education	\$	5,369,100	\$ 5,363,706	60320
3M2 200-680 Individuals with	\$	500,000,000	\$ 405,000,000	60321
Disabilities Education				
Act				
3S2 200-641 Education Technology	\$	10,000,000	\$ 5,000,000	60322
3T4 200-613 Public Charter Schools	\$	13,850,827	\$ 14,212,922	60323
3Y2 200-688 21st Century Community	\$	30,681,554	\$ 30,681,554	60324

		Learning Centers				
3Y4	200-632	Reading First	\$	35,215,798	\$	31,215,798 60325
3Y6	200-635	Improving Teacher	\$	102,692,685	\$	102,698,246 60326
		Quality				
3Y7	200-689	English Language	\$	8,000,000	\$	8,000,000 60327
		Acquisition				
3Y8	200-639	Rural and Low Income	\$	1,500,000	\$	1,500,000 60328
		Technical Assistance				
3Z2	200-690	State Assessments	\$	12,883,799	\$	12,883,799 60329
3Z3	200-645	Consolidated Federal	\$	8,500,000	\$	8,500,000 60330
		Grant Administration				
309	200-601	Educationally	\$	12,750,000	\$	8,750,000 60331
		Disadvantaged Programs				
366	200-604	Adult Basic Education	\$	19,425,000	\$	20,396,250 60332
367	200-607	School Food Services	\$	5,849,748	\$	6,088,737 60333
368	200-614	Veterans' Training	\$	710,373	\$	745,892 60334
369	200-616	Career-Technical	\$	5,000,000	\$	5,000,000 60335
		Education Federal				
		Enhancement				
370	200-624	Education of	\$	1,811,520	\$	575,454 60336
		Exceptional Children				
374	200-647	Troops to Teachers	\$	100,000	\$	100,000 60337
378	200-660	Learn and Serve	\$	1,561,954	\$	1,561,954 60338
TOTAL FED		Federal Special				60339
Revenue Fund Group			\$	1,665,660,368	\$	1,571,144,583 60340
State Special Revenue Fund Group						60341
4R7	200-695	Indirect Operational	\$	5,449,748	\$	5,810,464 60342
		Support				
4V7	200-633	Interagency	\$	392,100	\$	376,423 60343
		Operational Support				
454	200-610	Guidance and Testing	\$	400,000	\$	400,000 60344
455	200-608	Commodity Foods	\$	24,000,000	\$	24,000,000 60345
5BB	200-696	State Action for	\$	1,250,000	\$	1,250,000 60346

		Education Leadership					
5BJ	200-626	Half-Mill Maintenance	\$	10,700,000	\$	10,700,000	60347
		Equalization					
5U2	200-685	National Education	\$	300,000	\$	300,000	60348
		Statistics					
5W2	200-663	Early Learning	\$	2,200,000	\$	2,200,000	60349
		Initiative					
598	200-659	Auxiliary Services	\$	1,328,910	\$	1,328,910	60350
		Reimbursement					
620	200-615	Educational	\$	3,000,000	\$	3,000,000	60351
		Improvement Grants					
TOTAL SSR		State Special Revenue					60352
Fund Group			\$	49,020,758	\$	49,365,797	60353
		Lottery Profits Education Fund Group					60354
017	200-612	Foundation Funding	\$	635,198,000	\$	667,900,000	60355
017	200-682	Lease Rental Payment	\$	22,702,000	\$	0	60356
		Reimbursement					
TOTAL LPE		Lottery Profits					60357
Education Fund Group			\$	657,900,000	\$	667,900,000	60358
		Revenue Distribution Fund Group					60359
047	200-909	School District	\$	611,596,856	\$	763,316,819	60360
		Property Tax					
		Replacement-Business					
053	200-900	School District	\$	91,123,523	\$	91,123,523	60361
		Property Tax					
		Replacement-Utility					
TOTAL RDF		Revenue Distribution					60362
Fund Group			\$	702,720,379	\$	854,440,342	60363
TOTAL ALL BUDGET FUND GROUPS			\$	10,859,609,507	\$	11,269,129,303	60364
		Section 269.10.10. PERSONAL SERVICES					60366
		The foregoing appropriation item 200-100, Personal Services,					60367

may be used to pay fees for the Department's membership in the 60368
Education Commission of the States, an interstate nonprofit, 60369
nonpartisan organization that supports states with the development 60370
of education policy. 60371

Of the foregoing appropriation item 200-100, Personal 60372
Services, up to \$25,000 may be expended in each fiscal year for 60373
the State Board of Education to pay for outside professionals to 60374
help inform the Board on topics of education policy. 60375

Section 269.10.20. EARLY CHILDHOOD EDUCATION 60376

The Department of Education shall distribute the foregoing 60377
appropriation item 200-408, Early Childhood Education, to pay the 60378
costs of early childhood education programs. 60379

(A) As used in this section: 60380

(1) "Provider" means a city, local, exempted village, or 60381
joint vocational school district, or an educational service 60382
center. 60383

(2) In the case of a city, local, or exempted village school 60384
district, "new eligible provider" means a district that is 60385
eligible for poverty-based assistance under section 3317.029 of 60386
the Revised Code. 60387

(3) "Eligible child" means a child who is at least three 60388
years of age, is not of the age to be eligible for kindergarten, 60389
and whose family earns not more than two hundred per cent of the 60390
federal poverty guidelines. 60391

(B) In each fiscal year, up to two per cent of the total 60392
appropriation may be used by the Department for program support 60393
and technical assistance. The Department shall distribute the 60394
remainder of the appropriation in each fiscal year to serve 60395
eligible children. 60396

(C) The Department shall provide an annual report to the 60397

Governor, the Speaker of the House of Representatives, and the 60398
President of the Senate and post the report to the Department's 60399
web site, regarding early childhood education programs operated 60400
under this section and the early learning program guidelines for 60401
school readiness. 60402

(D) After setting aside the amounts to make payments due from 60403
the previous fiscal year, in fiscal year 2008, the Department 60404
shall distribute funds first to recipients of funds for early 60405
childhood education programs under Section 206.09.06 of Am. Sub. 60406
H.B. 66 of the 126th General Assembly in the previous fiscal year 60407
and the balance to new eligible providers of early childhood 60408
education programs under this section. However, the total amount 60409
of funds distributed in fiscal year 2008 to all providers that 60410
received funds for early childhood education programs in fiscal 60411
year 2007 shall not exceed \$18,622,151, unless the number of new 60412
eligible providers that notifies the Department of their interest 60413
in establishing early childhood education programs is insufficient 60414
to expend all available funding. In that case, the Department may 60415
direct available funding to providers that received funds for 60416
early childhood education programs in fiscal year 2007 for 60417
purposes of program expansion, improvement, or special projects to 60418
promote quality and innovation. 60419

After setting aside the amounts to make payments due from the 60420
previous fiscal year, in fiscal year 2009, the Department shall 60421
distribute funds first to providers of early childhood education 60422
programs under this section in the previous fiscal year and the 60423
balance to new eligible providers. However, the total amount of 60424
funds distributed in fiscal year 2009 to all providers that 60425
received funds for early childhood education programs in fiscal 60426
year 2007 shall not exceed \$18,622,151, unless the number of 60427
providers that received funding in fiscal year 2008 and new 60428
eligible providers that notify the Department of their interest in 60429

establishing early childhood education programs is insufficient to 60430
expend all available funding. In that case, the Department may 60431
direct available funding to providers that received funds for 60432
early childhood education programs in fiscal year 2007 or 2008 for 60433
purposes of program expansion, improvement, or special projects to 60434
promote quality and innovation. 60435

In each of fiscal years 2008 and 2009, if funding is 60436
insufficient to serve all new eligible providers that notify the 60437
Department of their interest in establishing early childhood 60438
education programs, the Department shall determine which of those 60439
providers will receive funds using a selection process that first 60440
gives preference to providers that, as of March 15, 2007, did not 60441
offer early childhood education programs, but that had offered 60442
early childhood education programs or public preschool programs 60443
for some time after June 30, 2000, and second to providers that 60444
demonstrate a need for early childhood education programs, as 60445
determined by the Department. Demonstration of need shall include 60446
having higher rates of eligible children to be served. 60447

Awards under this section shall be distributed on a per-pupil 60448
basis, and in accordance with division (H) of this section. The 60449
Department may adjust the per-pupil amount so that the per-pupil 60450
amount multiplied by the number of eligible children enrolled and 60451
receiving services, as defined by the Department, reported on the 60452
first day of December or the first business day following that 60453
date equals the amount allocated under this section. 60454

(E) Costs for developing and administering an early childhood 60455
education program may not exceed fifteen per cent of the total 60456
approved costs of the program. 60457

All providers shall maintain such fiscal control and 60458
accounting procedures as may be necessary to ensure the 60459
disbursement of, and accounting for, these funds. The control of 60460
funds provided in this program, and title to property obtained 60461

therefrom, shall be under the authority of the approved provider 60462
for purposes provided in the program unless, as described in 60463
division (J) of this section, the program waives its right for 60464
funding or a program's funding is eliminated or reduced due to its 60465
inability to meet financial or early learning program guidelines 60466
for school readiness. The approved provider shall administer and 60467
use such property and funds for the purposes specified. 60468

(F) The Department may examine a provider's financial and 60469
program records. If the financial practices of the program are not 60470
in accordance with standard accounting principles or do not meet 60471
financial standards outlined under division (E) of this section, 60472
or if the program fails to substantially meet the early learning 60473
program guidelines for school readiness or exhibits below average 60474
performance as measured against the guidelines, the early 60475
childhood education program shall propose and implement a 60476
corrective action plan that has been approved by the Department. 60477
The approved corrective action plan shall be signed by the chief 60478
executive officer and the executive of the official governing body 60479
of the provider. The corrective action plan shall include a 60480
schedule for monitoring by the Department. Such monitoring may 60481
include monthly reports, inspections, a timeline for correction of 60482
deficiencies, and technical assistance to be provided by the 60483
Department or obtained by the early childhood education program. 60484
The Department may withhold funding pending corrective action. If 60485
an early childhood education program fails to satisfactorily 60486
complete a corrective action plan, the Department may deny 60487
expansion funding to the program or withdraw all or part of the 60488
funding to the program and establish a new eligible provider 60489
through a selection process established by the Department. 60490

(G) Each early childhood education program shall do all of 60491
the following: 60492

(1) Meet teacher qualification requirements prescribed by 60493

section 3301.311 of the Revised Code;	60494
(2) Align curriculum to the early learning content standards;	60495
(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that are applicable to the program;	60496 60497
(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;	60498 60499 60500 60501 60502 60503
(5) Document and report child progress;	60504
(6) Meet and report compliance with the early learning program guidelines for school readiness;	60505 60506
(7) Participate in early language and literacy classroom observation evaluation studies.	60507 60508
(H) This division applies only to early childhood education programs established on or after March 15, 2007.	60509 60510
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.	60511 60512 60513 60514 60515 60516 60517 60518 60519
(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.	60520 60521 60522 60523

(J) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program guidelines for school readiness, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(K) As used in this section, "early learning program guidelines for school readiness" means the guidelines established by the Department pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 66 of the 126th General Assembly.

Section 269.10.30. EDUCATOR TRAINING

The foregoing appropriation item 200-410, Educator Training, shall be used to fund professional development programs in Ohio. The Department of Education shall, when possible, incorporate cultural competency as a component of professional development and actively promote the development of cultural competency in the operation of its professional development programs. As used in this section, "cultural competency" has the meaning specified by the Educator Standards Board under section 3319.61 of the Revised Code.

Of the foregoing appropriation item 200-410, Educator Training, up to \$9,250,000 in fiscal year 2008 and up to \$10,250,000 in fiscal year 2009 shall be used by the Department of

Education to provide grants to pay \$2,225 of the application fee 60555
in order to assist teachers from public and chartered nonpublic 60556
schools applying for the first time to the National Board for 60557
Professional Teaching Standards for professional teaching 60558
certificates or licenses that the board offers. These moneys shall 60559
be used to pay up to the first 400 applications in each fiscal 60560
year received by the Department. This set aside shall also be used 60561
to recognize and reward teachers who become certified by the 60562
National Board for Professional Teaching Standards under section 60563
3319.55 of the Revised Code. Up to \$300,000 in each fiscal year of 60564
this set aside may be used by the Department to pay for costs 60565
associated with activities to support candidates through the 60566
application and certification process. Up to \$39,500 of this set 60567
aside in each fiscal year may be used to support the application 60568
fee for candidates participating in the Take One program for 60569
beginning teachers in years two and three. 60570

Of the foregoing appropriation item 200-410, Educator 60571
Training, up to \$9,515,817 in each fiscal year shall be allocated 60572
for entry year teacher and principal programs. These funds shall 60573
be used to support mentoring services and performance assessments 60574
of beginning teachers and principals in school districts and 60575
chartered nonpublic schools. 60576

Of the foregoing appropriation item 200-410, Educator 60577
Training, up to \$200,000 in each fiscal year shall be used to 60578
provide technical assistance and grants for districts to develop 60579
local knowledge/skills-based compensation systems. Each district 60580
receiving grants shall issue an annual report to the Department of 60581
Education detailing the use of the funds and the impact of the 60582
system developed by the district. 60583

Of the foregoing appropriation item 200-410, Educator 60584
Training, up to \$350,000 in each fiscal year shall be used for 60585
training and professional development of school administrators, 60586

school treasurers, and school business officials. 60587

Of the foregoing appropriation item 200-410, Educator 60588
Training, up to \$63,000 in each fiscal year shall be used to 60589
support the Ohio University Leadership Program. 60590

Of the foregoing appropriation item 200-410, Educator 60591
Training, \$250,000 in each fiscal year shall be used to support 60592
the Ohio School Leadership Institute. 60593

Section 269.10.40. CAREER-TECHNICAL EDUCATION MATCH 60594

The foregoing appropriation item 200-416, Career-Technical 60595
Education Match, shall be used by the Department of Education to 60596
provide vocational administration matching funds under 20 U.S.C. 60597
2311. 60598

COMPUTER/APPLICATION/NETWORK DEVELOPMENT 60599

The foregoing appropriation item 200-420, 60600
Computer/Application/Network Development, shall be used to support 60601
the development and implementation of information technology 60602
solutions designed to improve the performance and services of the 60603
Department of Education. Funds may be used for personnel, 60604
maintenance, and equipment costs related to the development and 60605
implementation of these technical system projects. Implementation 60606
of these systems shall allow the Department to provide greater 60607
levels of assistance to school districts and to provide more 60608
timely information to the public, including school districts, 60609
administrators, and legislators. Funds may also be used to support 60610
data-driven decision-making and differentiated instruction, as 60611
well as to communicate academic content standards and curriculum 60612
models to schools through web-based applications. 60613

Section 269.10.50. ALTERNATIVE EDUCATION PROGRAMS 60614

There is hereby created the Alternative Education Advisory 60615

Council, which shall consist of one representative from each of 60616
the following agencies: the Ohio Department of Education; the 60617
Department of Youth Services; the Ohio Department of Alcohol and 60618
Drug Addiction Services; the Department of Mental Health; the 60619
Office of the Governor or, at the Governor's discretion, the 60620
Office of the Lieutenant Governor; the Office of the Attorney 60621
General; and the Office of the Auditor of State. 60622

Of the foregoing appropriation item 200-421, Alternative 60623
Education Programs, up to \$6,227,310 in each fiscal year shall be 60624
used for the renewal of successful implementation grants and for 60625
competitive matching grants to the 21 urban school districts as 60626
defined in division (O) of section 3317.02 of the Revised Code as 60627
it existed prior to July 1, 1998, and up to \$6,161,074 in each 60628
fiscal year shall be used for the renewal of successful 60629
implementation grants and for competitive matching grants to rural 60630
and suburban school districts for alternative educational programs 60631
for existing and new at-risk and delinquent youth. Programs shall 60632
be focused on youth in one or more of the following categories: 60633
those who have been expelled or suspended, those who have dropped 60634
out of school or who are at risk of dropping out of school, those 60635
who are habitually truant or disruptive, or those on probation or 60636
on parole from a Department of Youth Services facility. Grants 60637
shall be awarded according to the criteria established by the 60638
Alternative Education Advisory Council in 1999. Grants shall be 60639
awarded only to programs in which the grant will not serve as the 60640
program's primary source of funding. These grants shall be 60641
administered by the Department of Education. 60642

The Department of Education may waive compliance with any 60643
minimum education standard established under section 3301.07 of 60644
the Revised Code for any alternative school that receives a grant 60645
under this section on the grounds that the waiver will enable the 60646
program to more effectively educate students enrolled in the 60647

alternative school. 60648

Of the foregoing appropriation item 200-421, Alternative 60649
Education Programs, up to \$322,281 in each fiscal year may be used 60650
for program administration, monitoring, technical assistance, 60651
support, research, and evaluation. Any unexpended balance may be 60652
used to provide additional matching grants to urban, suburban, or 60653
rural school districts as outlined above. 60654

Of the foregoing appropriation item 200-421, Alternative 60655
Education Programs, \$100,000 in each fiscal year shall be used to 60656
support the Toledo Tech Academy. Of this amount, \$25,000 in each 60657
fiscal year shall be used by the Toledo Tech Academy to enhance 60658
and establish For Inspiration and Recognition in Science and 60659
Technology programs. (F.I.R.S.T.) 60660

Of the foregoing appropriation item 200-421, Alternative 60661
Education Programs, \$2,000,000 in fiscal year 2008 shall be used 60662
to support Improved Solutions for Urban Students (ISUS) in 60663
Dayton/Sinclair Youth Initiative. 60664

Of the foregoing appropriation item 200-421, Alternative 60665
Education Programs, \$100,000 in each fiscal year shall be provided 60666
to the Cincinnati Arts and Technology Center to increase program 60667
support for high-risk teens and unemployed urban adults. 60668

Section 269.10.60. SCHOOL MANAGEMENT ASSISTANCE 60669

Of the foregoing appropriation item 200-422, School 60670
Management Assistance, up to \$1,715,000 in each fiscal year shall 60671
be used by the Auditor of State in consultation with the 60672
Department of Education for expenses incurred in the Auditor of 60673
State's role relating to fiscal caution, fiscal watch, and fiscal 60674
emergency activities as defined in Chapter 3316. of the Revised 60675
Code and may also be used to conduct performance audits with 60676
priority given to districts in fiscal distress. Expenses include 60677

duties related to the completion of performance audits for school 60678
districts that the Superintendent of Public Instruction determines 60679
are employing fiscal practices or experiencing budgetary 60680
conditions that could produce a state of fiscal watch or fiscal 60681
emergency. 60682

Of the foregoing appropriation item 200-422, School 60683
Management Assistance, up to \$250,000 in each fiscal year shall be 60684
used by the Department of Education to work with school districts 60685
and entities that serve school districts to develop and deploy 60686
analytical tools that allow districts and other stakeholders to 60687
analyze more thoroughly district spending patterns in order to 60688
promote more effective and efficient use of resources. Quarterly 60689
updates of the progress for implementation of these tools shall be 60690
provided to the Governor, and the Department shall give due 60691
diligence to implementing these tools in the shortest reasonable 60692
timeline. 60693

The remainder of foregoing appropriation item 200-422, School 60694
Management Assistance, shall be used by the Department of 60695
Education to provide fiscal technical assistance and inservice 60696
education for school district management personnel and to 60697
administer, monitor, and implement the fiscal watch and fiscal 60698
emergency provisions under Chapter 3316. of the Revised Code. 60699

Section 269.10.70. POLICY ANALYSIS 60700

The foregoing appropriation item 200-424, Policy Analysis, 60701
shall be used by the Department of Education to support a system 60702
of administrative, statistical, and legislative education 60703
information to be used for policy analysis. Staff supported by 60704
this appropriation shall administer the development of reports, 60705
analyses, and briefings to inform education policymakers of 60706
current trends in education practice, efficient and effective use 60707
of resources, and evaluation of programs to improve education 60708

results. The database shall be kept current at all times. These 60709
research efforts shall be used to supply information and analysis 60710
of data to the General Assembly and other state policymakers, 60711
including the Office of Budget and Management and the Legislative 60712
Service Commission. 60713

The Department of Education may use funding from this 60714
appropriation item to purchase or contract for the development of 60715
software systems or contract for policy studies that will assist 60716
in the provision and analysis of policy-related information. 60717
Funding from this appropriation item also may be used to monitor 60718
and enhance quality assurance for research-based policy analysis 60719
and program evaluation to enhance the effective use of education 60720
information to inform education policymakers. 60721

TECH PREP CONSORTIA SUPPORT 60722

The foregoing appropriation item 200-425, Tech Prep Consortia 60723
Support, shall be used by the Department of Education to support 60724
state-level activities designed to support, promote, and expand 60725
tech prep programs. Use of these funds shall include, but not be 60726
limited to, administration of grants, program evaluation, 60727
professional development, curriculum development, assessment 60728
development, program promotion, communications, and statewide 60729
coordination of tech prep consortia. 60730

Section 269.10.80. OHIO EDUCATIONAL COMPUTER NETWORK 60731

The foregoing appropriation item 200-426, Ohio Educational 60732
Computer Network, shall be used by the Department of Education to 60733
maintain a system of information technology throughout Ohio and to 60734
provide technical assistance for such a system in support of the 60735
State Education Technology Plan under section 3301.07 of the 60736
Revised Code. 60737

Of the foregoing appropriation item 200-426, Ohio Educational 60738

Computer Network, up to \$18,136,691 in each fiscal year shall be 60739
used by the Department of Education to support connection of all 60740
public school buildings and participating chartered nonpublic 60741
schools to the state's education network, to each other, and to 60742
the Internet. In each fiscal year the Department of Education 60743
shall use these funds to assist information technology centers or 60744
school districts with the operational costs associated with this 60745
connectivity. The Department of Education shall develop a formula 60746
and guidelines for the distribution of these funds to information 60747
technology centers or individual school districts. As used in this 60748
section, "public school building" means a school building of any 60749
city, local, exempted village, or joint vocational school 60750
district, any community school established under Chapter 3314. of 60751
the Revised Code, any educational service center building used for 60752
instructional purposes, the Ohio School for the Deaf and the Ohio 60753
School for the Blind, or high schools chartered by the Ohio 60754
Department of Youth Services and high schools operated by Ohio 60755
Department of Rehabilitation and Corrections' Ohio Central School 60756
System. 60757

Of the foregoing appropriation item 200-426, Ohio Educational 60758
Computer Network, up to \$2,469,223 in each fiscal year shall be 60759
used for the Union Catalog and InfOhio Network and to support the 60760
provision of electronic resources with priority given to resources 60761
that support the teaching of state academic content standards in 60762
all public schools. Consideration shall be given by the Department 60763
of Education to coordinating the allocation of these moneys with 60764
the efforts of Libraries Connect Ohio, whose members include 60765
OhioLINK, the Ohio Public Information Network, and the State 60766
Library of Ohio. 60767

Of the foregoing appropriation item 200-426, Ohio Educational 60768
Computer Network, up to \$8,338,468 in each fiscal year shall be 60769
used, through a formula and guidelines devised by the Department, 60770

to subsidize the activities of designated information technology 60771
centers, as defined by State Board of Education rules, to provide 60772
school districts and chartered nonpublic schools with 60773
computer-based student and teacher instructional and 60774
administrative information services, including approved 60775
computerized financial accounting, and to ensure the effective 60776
operation of local automated administrative and instructional 60777
systems. 60778

The remainder of appropriation item 200-426, Ohio Educational 60779
Computer Network, shall be used to support development, 60780
maintenance, and operation of a network of uniform and compatible 60781
computer-based information and instructional systems. This 60782
technical assistance shall include, but not be restricted to, 60783
development and maintenance of adequate computer software systems 60784
to support network activities. In order to improve the efficiency 60785
of network activities, the Department and information technology 60786
centers may jointly purchase equipment, materials, and services 60787
from funds provided under this appropriation for use by the 60788
network and, when considered practical by the Department, may 60789
utilize the services of appropriate state purchasing agencies. 60790

Section 269.10.90. ACADEMIC STANDARDS 60791

Of the foregoing appropriation item 200-427, Academic 60792
Standards, \$150,000 in each fiscal year shall be used by the 60793
Department in combination with funding earmarked for this purpose 60794
in the Board of Regents' budget under appropriation item 235-321, 60795
Operating Expenses. Such funding shall be used to support Ohio's 60796
Partnership for Continued Learning at the direction of the Office 60797
of the Governor. Ohio's Partnership for Continued Learning 60798
replaces and broadens the former Joint Council of the Department 60799
of Education and the Board of Regents. The Partnership shall 60800
advise and make recommendations to promote collaboration among 60801

relevant state entities in an effort to help local communities 60802
develop coherent and successful "P-16" learning systems. The 60803
Governor, or the Governor's designee, shall serve as the 60804
chairperson. 60805

Of the foregoing appropriation item 200-427, Academic 60806
Standards, \$1,000,000 in each fiscal year shall be used for 60807
Project Lead the Way leadership and management oversight and 60808
initial and continuing support of Project Lead the Way workforce 60809
development programs in participating school districts. 60810

Of the foregoing appropriation item 200-427, Academic 60811
Standards, \$50,000 in each fiscal year shall be provided to the 60812
Art Academy of Cincinnati to support technology needs for the 60813
annual operation of its undergraduate, graduate, and noncredit 60814
programs and for administrative staff support. 60815

The remainder of appropriation item 200-427, Academic 60816
Standards, shall be used by the Department of Education to 60817
develop, revise, and communicate to school districts academic 60818
content standards and curriculum models. The Department may also 60819
use the remainder to develop program models that demonstrate how 60820
the academic content standards can be implemented in high school 60821
classrooms and to offer online continuing education courses. The 60822
Department of Education may also use the remainder to support the 60823
coordination of Physical Education standards. 60824

Section 269.20.10. SCHOOL IMPROVEMENT INITIATIVES 60825

Of the foregoing appropriation item 200-431, School 60826
Improvement Initiatives, \$450,000 in each fiscal year shall be 60827
used for Ohio's Rural Appalachian Leadership Development 60828
Initiative. 60829

Of the foregoing appropriation item 200-431, School 60830
Improvement Initiatives, up to \$601,165 in each fiscal year shall 60831

be used by the Department of Education to support educational 60832
media centers to provide Ohio public schools with instructional 60833
resources and services, with priority given to resources and 60834
services aligned with state academic content standards. 60835

Of the foregoing appropriation item 200-431, School 60836
Improvement Initiatives, up to \$10,387,835 in each fiscal year 60837
shall be used to support districts in the development and 60838
implementation of their continuous improvement plans as required 60839
in section 3302.04 of the Revised Code and to provide technical 60840
assistance and support in accordance with Title I of the "No Child 60841
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. This 60842
funding shall serve as a supplement to the funds provided under 60843
division (K) of section 3317.029 of the Revised Code, which 60844
represents state support for school improvement initiatives that 60845
assist school districts in closing the achievement gap. 60846

Of the foregoing appropriation item 200-431, School 60847
Improvement Initiatives, up to \$236,250 in each fiscal year shall 60848
be used to reduce the dropout rate by addressing the academic and 60849
social problems of inner-city students through Project GRAD. 60850

Of the foregoing appropriation item 200-431, School 60851
Improvement Initiatives, \$3,053,985 in fiscal year 2008 and 60852
\$3,803,985 in fiscal year 2009 shall be used in conjunction with 60853
funding provided in the Board of Regents' budget under 60854
appropriation item 235-434, College Readiness and Access, to 60855
create early college high schools, which are small, autonomous 60856
schools that blend high school and college into a coherent 60857
educational program. The funds shall be distributed according to 60858
guidelines established by the Department of Education and the 60859
Board of Regents. 60860

Of the foregoing appropriation item 200-431, School 60861
Improvement Initiatives, up to \$4,935,000 in each fiscal year 60862
shall be used in partnership with nonprofit groups with expertise 60863

in converting existing large urban high schools into small, 60864
personalized high schools. Districts eligible for such funding 60865
include the Urban 21 high schools, as defined in division (O) of 60866
section 3317.02 of the Revised Code as it existed prior to July 1, 60867
1998. 60868

Of the foregoing appropriation item 200-431, School 60869
Improvement Initiatives, up to \$75,000 in each fiscal year shall 60870
be provided to Southern State Community College for the Pilot 60871
Post-Secondary Enrollment Options Program with Miami Trace High 60872
School. 60873

Of the foregoing appropriation item 200-431, School 60874
Improvement Initiatives, \$1,000,000 in each fiscal year shall be 60875
used to support Jobs for Ohio Graduates (JOG). The Department of 60876
Education shall require a two-to-one match of local funding to 60877
state funding before releasing these funds to JOG. 60878

Of the foregoing appropriation item 200-431, School 60879
Improvement Initiatives, up to \$600,000 in each fiscal year shall 60880
be used by the Department of Education to support start-up costs 60881
for gaining business and industry credentialing program 60882
accreditation and to support the development of a data collection 60883
system across the numerous industry test providers. Funds shall 60884
also be used to help subsidize the cost of student participation 60885
in industry assessments, provide research on industry assessments 60886
for alignment to industry-established content standards, provide 60887
professional development opportunities for educators, and prepare 60888
schools and adult centers to organize for credential alignment and 60889
delivery. 60890

Of the foregoing appropriation item 200-431, School 60891
Improvement Initiatives, \$250,000 in each fiscal year shall be 60892
used to support Amer-I-Can. 60893

Section 269.20.20. LITERACY IMPROVEMENT-PROFESSIONAL 60894

DEVELOPMENT 60895

Of the foregoing appropriation item 200-433, Literacy 60896
Improvement-Professional Development, up to \$9,540,000 in each 60897
fiscal year shall be used for educator training in literacy for 60898
classroom teachers, administrators, and literacy specialists. 60899

Of the foregoing appropriation item 200-433, Literacy 60900
Improvement-Professional Development, up to \$5,000,000 in each 60901
fiscal year shall be used to support literacy professional 60902
development partnerships between the Department of Education, 60903
higher education institutions, literacy networks, and school 60904
districts. 60905

Of the foregoing appropriation item 200-433, Literacy 60906
Improvement - Professional Development, up to \$900,000 in each 60907
fiscal year shall be used by the Department of Education to fund 60908
the Reading Recovery Training Network, to cover the cost of 60909
release time for the teacher trainers, and to provide grants to 60910
districts to implement other reading improvement programs on a 60911
pilot basis. Funds from this set-aside also may be used to conduct 60912
evaluations of the impact and effectiveness of Reading Recovery 60913
and other reading improvement programs. 60914

Of the foregoing appropriation item 200-433, Literacy 60915
Improvement-Professional Development, \$100,000 in each fiscal year 60916
shall be provided to the Contemporary Arts Center for art 60917
education for children and a children's museum. 60918

The remainder of appropriation item 200-433, Literacy 60919
Improvement-Professional Development, shall be used by the 60920
Department of Education to provide administrative support of 60921
literacy professional development programs. Upon approval of the 60922
Controlling Board, the Department may also use the remainder to 60923
contract with an external evaluator on the effectiveness of 60924
literacy professional development initiatives in the academic 60925

achievement of students.	60926
STUDENT ASSESSMENT	60927
Of the foregoing appropriation item 200-437, Student	60928
Assessment, up to \$207,364 in fiscal year 2008 and up to \$212,486	60929
in fiscal year 2009 may be used to support the assessments	60930
required under section 3301.0715 of the Revised Code.	60931
The remainder of appropriation item 200-437, Student	60932
Assessment, shall be used to develop, field test, print,	60933
distribute, score, report results, and support other associated	60934
costs for the tests required under sections 3301.0710 and	60935
3301.0711 of the Revised Code and for similar purposes as required	60936
by section 3301.27 of the Revised Code. If funds remain in this	60937
appropriation after these purposes have been fulfilled, the	60938
Department may use the remainder of the appropriation to develop	60939
end-of-course exams.	60940
Section 269.20.30. ACCOUNTABILITY/REPORT CARDS	60941
Of the foregoing appropriation item 200-439,	60942
Accountability/Report Cards, up to \$3,028,540 in each fiscal year	60943
shall be used to train district and regional specialists and	60944
district educators in the use of the value-added progress	60945
dimension and in the use of data as it relates to improving	60946
student achievement. This funding shall be used in consultation	60947
with a credible nonprofit organization with expertise in	60948
value-added progress dimensions.	60949
The remainder of appropriation item 200-439,	60950
Accountability/Report Cards, shall be used by the Department to	60951
incorporate a statewide pilot value-added progress dimension into	60952
performance ratings for school districts and for the development	60953
of an accountability system that includes the preparation and	60954
distribution of school report cards under section 3302.03 of the	60955

Revised Code. 60956

CHILD CARE LICENSING 60957

The foregoing appropriation item 200-442, Child Care 60958
Licensing, shall be used by the Department of Education to license 60959
and to inspect preschool and school-age child care programs under 60960
sections 3301.52 to 3301.59 of the Revised Code. 60961

Section 269.20.40. EDUCATION MANAGEMENT INFORMATION SYSTEM 60962

The foregoing appropriation item 200-446, Education 60963
Management Information System, shall be used by the Department of 60964
Education to improve the Education Management Information System 60965
(EMIS). 60966

Of the foregoing appropriation item 200-446, Education 60967
Management Information System, up to \$1,338,620 in fiscal year 60968
2008 and up to \$1,372,085 in fiscal year 2009 shall be distributed 60969
to designated information technology centers for costs relating to 60970
processing, storing, and transferring data for the effective 60971
operation of the EMIS. These costs may include, but are not 60972
limited to, personnel, hardware, software development, 60973
communications connectivity, professional development, and support 60974
services, and to provide services to participate in the State 60975
Education Technology Plan pursuant to section 3301.07 of the 60976
Revised Code. 60977

Of the foregoing appropriation item 200-446, Education 60978
Management Information System, up to \$8,256,569 in fiscal year 60979
2008 and up to \$8,462,984 in fiscal year 2009 shall be distributed 60980
on a per-pupil basis to school districts, community schools 60981
established under Chapter 3314. of the Revised Code, educational 60982
service centers, joint vocational school districts, and any other 60983
education entity that reports data through EMIS. From this 60984
funding, each school district or community school established 60985

under Chapter 3314. of the Revised Code with enrollment greater 60986
than 100 students and each vocational school district shall 60987
receive a minimum of \$5,000 in each fiscal year. Each school 60988
district or community school established under Chapter 3314. of 60989
the Revised Code with enrollment between one and one hundred and 60990
each educational service center and each county board of MR/DD 60991
that submits data through EMIS shall receive \$3,000 in each fiscal 60992
year. This subsidy shall be used for costs relating to reporting, 60993
processing, storing, transferring, and exchanging data necessary 60994
to meet requirements of the Department of Education's data system. 60995

The remainder of appropriation item 200-446, Education 60996
Management Information System, shall be used to develop and 60997
support a common core of data definitions and standards as adopted 60998
by the Education Management Information System Advisory Board, 60999
including the ongoing development and maintenance of the data 61000
dictionary and data warehouse. In addition, such funds shall be 61001
used to support the development and implementation of data 61002
standards and the design, development, and implementation of a new 61003
data exchange system. 61004

Any provider of software meeting the standards approved by 61005
the Education Management Information System Advisory Board shall 61006
be designated as an approved vendor and may enter into contracts 61007
with local school districts, community schools, information 61008
technology centers, or other educational entities for the purpose 61009
of collecting and managing data required under Ohio's education 61010
management information system (EMIS) laws. On an annual basis, the 61011
Department of Education shall convene an advisory group of school 61012
districts, community schools, and other education-related entities 61013
to review the Education Management Information System data 61014
definitions and data format standards. The advisory group shall 61015
recommend changes and enhancements based upon surveys of its 61016
members, education agencies in other states, and current industry 61017

practices, to reflect best practices, align with federal 61018
initiatives, and meet the needs of school districts. 61019

School districts and community schools not implementing a 61020
common and uniform set of data definitions and data format 61021
standards for Education Management Information System purposes 61022
shall have all EMIS funding withheld until they are in compliance. 61023

Section 269.20.50. GED TESTING 61024

The foregoing appropriation item 200-447, GED Testing, shall 61025
be used to provide General Educational Development (GED) testing 61026
at no cost to applicants, under rules adopted by the State Board 61027
of Education. The Department of Education shall reimburse school 61028
districts and community schools, created under Chapter 3314. of 61029
the Revised Code, for a portion of the costs incurred in providing 61030
summer instructional or intervention services to students who have 61031
not graduated because of their inability to pass one or more parts 61032
of the state's Ohio Graduation Test or ninth grade proficiency 61033
test. School districts shall also provide such services to 61034
students who are residents of the district under section 3313.64 61035
of the Revised Code, but who are enrolled in chartered, nonpublic 61036
schools. The services shall be provided in the public school, in 61037
nonpublic schools, in public centers, or in mobile units located 61038
on or off the nonpublic school premises. No school district shall 61039
provide summer instructional or intervention services to nonpublic 61040
school students as authorized by this section unless such services 61041
are available to students attending the public schools within the 61042
district. No school district shall provide services for use in 61043
religious courses, devotional exercises, religious training, or 61044
any other religious activity. Chartered, nonpublic schools shall 61045
pay for any unreimbursed costs incurred by school districts for 61046
providing summer instruction or intervention services to students 61047
enrolled in chartered, nonpublic schools. School districts may 61048

provide these services to students directly or contract with 61049
postsecondary or nonprofit community-based institutions in 61050
providing instruction. 61051

Section 269.20.60. EDUCATOR PREPARATION 61052

Of the foregoing appropriation item 200-448, Educator 61053
Preparation, \$100,000 in each fiscal year shall be provided in 61054
conjunction with funding in the Board of Regents' budget under 61055
appropriation item 235-435, Teacher Improvement Initiatives, to 61056
the Teacher Quality Partnership Project. The Teacher Quality 61057
Partnership is a research consortium of Ohio's fifty colleges and 61058
universities providing teacher preparation programs. Funds shall 61059
be used to support a comprehensive longitudinal study of the 61060
preparation, in-school support, and effectiveness of Ohio 61061
teachers. 61062

The remainder of appropriation item 200-448, Educator 61063
Preparation, may be used by the Department to support the Educator 61064
Standards Board under section 3319.61 of the Revised Code as it 61065
develops and recommends to the State Board of Education standards 61066
for educator training and standards for teacher and other school 61067
leadership positions. Any remaining funds may be used by the 61068
Department to develop alternative preparation programs for school 61069
leaders. 61070

Section 269.20.70. COMMUNITY SCHOOLS 61071

Of the foregoing appropriation item 200-455, Community 61072
Schools, up to \$1,308,661 in each fiscal year may be used by the 61073
Department of Education for additional services and 61074
responsibilities under section 3314.11 of the Revised Code. 61075

Of the foregoing appropriation item 200-455, Community 61076
Schools, up to \$225,000 in each fiscal year may be used by the 61077
Department of Education for developing and conducting training 61078

sessions for sponsors and prospective sponsors of community 61079
schools as prescribed in division (A)(1) of section 3314.015 of 61080
the Revised Code. In developing the training sessions, the 61081
Department shall collect and disseminate examples of best 61082
practices used by sponsors of independent charter schools in Ohio 61083
and other states. 61084

STEM INITIATIVES 61085

Of the foregoing appropriation item 200-457, STEM 61086
Initiatives, up to \$2,783,000 in each fiscal year shall be 61087
provided as start-up grants to new STEM schools under the section 61088
of this act entitled "AWARD OF STEM INITIATIVES GRANTS." 61089

Of the foregoing appropriation item 200-457, STEM 61090
Initiatives, up to \$3,500,000 in each fiscal year shall be used to 61091
support STEM Programs of Excellence under the section of this act 61092
entitled "AWARD OF STEM INITIATIVES GRANTS." 61093

Of the foregoing appropriation item 200-457, STEM 61094
Initiatives, \$350,000 in each fiscal year shall be used to support 61095
the Young Buckeye STEM Scholars After School and Summer Program 61096
designed by the Ohio Academy of Science. 61097

Of the foregoing appropriation item 200-457, STEM 61098
Initiatives, up to \$2,600,000 in each fiscal year shall be used 61099
for mathematics initiatives that include, but are not limited to, 61100
intensive teacher professional development institutes that focus 61101
on classroom implementation of the mathematics standards. 61102

Of the foregoing appropriation item 200-457, STEM 61103
Initiatives, \$200,000 in each fiscal year may be used to support 61104
the Ohio Resource Center for Math and Science. 61105

Of the foregoing appropriation item 200-457, STEM 61106
Initiatives, up to \$282,000 in each fiscal year shall be used for 61107
the JASON Expedition project that provides statewide access to 61108
JASON Expedition content. Funds shall be used to provide 61109

professional development training for teachers participating in 61110
the project, statewide management, and a seventy-five per cent 61111
subsidy for statewide licensing of JASON Expedition content with 61112
priority given to content aligned with state academic content 61113
standards for approximately 90,000 middle school students 61114
statewide. 61115

Of the foregoing appropriation item 200-457, STEM 61116
Initiatives, \$285,000 in each fiscal year shall be used for 61117
science initiatives that include, but are not limited to, the Ohio 61118
Science Institute (OSCI). 61119

Section 269.20.75. AWARD OF STEM INITIATIVES GRANTS 61120

(A) As used in this section: 61121

(1) "Community school" means a community school established 61122
under Chapter 3314. of the Revised Code. 61123

(2) "STEM" is an abbreviation for science, technology, 61124
engineering, and mathematics. 61125

(B) The Partnership for Continued Learning shall prescribe 61126
criteria for awarding start-up grants to new STEM schools and 61127
grants to support STEM programs of excellence. The criteria for 61128
each type of grant shall include the maximum number of grants, 61129
minimum and maximum amounts of the grants, and minimum standards 61130
for the schools and programs receiving the grants. 61131

(C) The Department of Education, in consultation with the 61132
Ohio Board of Regents, the Chancellor of the Board, and the 61133
Partnership for Continued Learning, and in accordance with the 61134
criteria prescribed under division (B) of this section, shall 61135
award start-up grants for new STEM schools and grants for STEM 61136
programs of excellence. 61137

(D) Start-up grants for new STEM schools shall be awarded to 61138
school districts, including joint vocational school districts, 61139

educational service centers, community schools, or consortiums of 61140
school districts, educational service centers, or community 61141
schools, for schools that are not in operation prior to receiving 61142
the grant and that will serve only students above grade six. To be 61143
considered for an award, the applicant shall demonstrate to the 61144
Department's satisfaction that the school meets at least the 61145
following standards: 61146

(1) The new STEM school will not base student admission on 61147
intellectual ability or measures of achievement, aptitude, or 61148
ability. 61149

(2) The new STEM school will offer a rigorous and diverse 61150
curriculum that is based on scientific inquiry and scientific 61151
design, features the arts and humanities, and emphasizes 61152
personalized learning and teamwork skills, and the goal of which 61153
is to prepare students for college, the work force, and 61154
citizenship. 61155

(3) The new STEM school will attract school leaders who 61156
support the principles of division (D)(2) of this section. 61157

(4) The new STEM school will utilize a knowledge management 61158
mechanism for best practices and innovative professional 61159
development. 61160

(E) In awarding start-up grants for new STEM schools, the 61161
Department shall give preference to proposed new STEM schools that 61162
both: 61163

(1) Are developed in collaboration with a regional 61164
partnership that includes institutions of higher education, local 61165
businesses, and leaders of community organizations and local 61166
governments; 61167

(2) Have received commitments of sustained and verifiable 61168
fiscal or in-kind support from regional educational and business 61169
entities. 61170

(F) A school district, school building operated by a school district, community school, or educational service center may apply for a grant for a STEM program of excellence to serve students in any of grades kindergarten through eight. To be considered for an award, the applicant shall demonstrate to the Department's satisfaction that the program meets at least the following standards:

(1) The program will serve all students enrolled in the district or school in the grades for which the program is designed.

(2) The program will offer a rigorous and diverse curriculum that is based on scientific inquiry and scientific design, that emphasizes personalized learning and teamwork skills, and that will expose students to advanced scientific concepts within and outside the classroom.

(3) The program will include teacher professional development strategies that are augmented by community and business partners.

(G) In awarding grants to support STEM programs of excellence, the Department shall give preference to programs that have received commitments of sustained and verifiable fiscal or in-kind support from regional educational and business entities.

Section 269.20.80. PUPIL TRANSPORTATION

Of the foregoing appropriation item 200-502, Pupil Transportation, up to \$830,624 in fiscal year 2008 and up to \$838,930 in fiscal year 2009 may be used by the Department of Education for training prospective and experienced school bus drivers in accordance with training programs prescribed by the Department. Up to \$59,870,514 in fiscal year 2008 and up to \$60,469,220 in fiscal year 2009 may be used by the Department of Education for special education transportation reimbursements to

school districts and county MR/DD boards for transportation 61201
operating costs as provided in division (J) of section 3317.024 of 61202
the Revised Code. The remainder of appropriation item 200-502, 61203
Pupil Transportation, shall be used for the state reimbursement of 61204
public school districts' costs in transporting pupils to and from 61205
the school they attend in accordance with the district's policy, 61206
State Board of Education standards, and the Revised Code. 61207

Notwithstanding the distribution formula outlined in division 61208
(D) of section 3317.022 of the Revised Code, each school district 61209
shall receive an additional one per cent in state funding for 61210
transportation in fiscal year 2008 over what was received in 61211
fiscal year 2007, and the local share of transportation costs that 61212
is used in the calculation of the charge-off supplement under 61213
section 3317.0216 of the Revised Code and the excess cost 61214
supplement under division (F) of section 3317.022 of the Revised 61215
Code for each school district in fiscal year 2008 shall be 61216
increased by one per cent from that used in calculations in fiscal 61217
year 2007. 61218

Notwithstanding the distribution formula outlined in division 61219
(D) of section 3317.022 of the Revised Code, each school district 61220
shall receive an additional one per cent in state funding for 61221
transportation in fiscal year 2009 over what was received in 61222
fiscal year 2008, and the local share of transportation costs that 61223
is used in the calculation of the charge-off supplement under 61224
section 3317.0216 of the Revised Code and the excess cost 61225
supplement under division (F) of section 3317.022 of the Revised 61226
Code for each school district in fiscal year 2009 shall be 61227
increased by one per cent from that used in calculations in fiscal 61228
year 2008. 61229

School districts not receiving state funding for 61230
transportation in fiscal year 2005 under division (D) of section 61231
3317.022 of the Revised Code shall not receive state funding for 61232

transportation in fiscal year 2008 or fiscal year 2009. 61233

Section 269.20.83. Not later than December 31, 2008, the 61234
Department of Education shall complete a study and submit to the 61235
General Assembly in accordance with section 101.68 of the Revised 61236
Code a report of findings regarding, and legislative and other 61237
recommendations for enhancing regional collaboration among school 61238
districts, educational service centers, community schools, and 61239
nonpublic schools in the provision of pupil transportation. The 61240
study shall include the role of educational service centers in 61241
providing pupil transportation. In conducting the study, the 61242
Department shall consult with the state regional alliance advisory 61243
board created by section 3312.11 of the Revised Code. 61244

Section 269.20.90. BUS PURCHASE ALLOWANCE 61245

The foregoing appropriation item 200-503, Bus Purchase 61246
Allowance, shall be distributed to school districts, educational 61247
service centers, and county MR/DD boards pursuant to rules adopted 61248
under section 3317.07 of the Revised Code. Up to 28 per cent of 61249
the amount appropriated may be used to reimburse school districts 61250
and educational service centers for the purchase of buses to 61251
transport handicapped and nonpublic school students and to county 61252
MR/DD boards, the Ohio School for the Deaf, and the Ohio School 61253
for the Blind for the purchase of buses to transport handicapped 61254
students. 61255

SCHOOL LUNCH MATCH 61256

The foregoing appropriation item 200-505, School Lunch Match, 61257
shall be used to provide matching funds to obtain federal funds 61258
for the school lunch program. 61259

Section 269.30.10. ADULT LITERACY EDUCATION 61260

The foregoing appropriation item 200-509, Adult Literacy 61261

Education, shall be used to support adult basic and literacy 61262
education instructional programs and the State Literacy Resource 61263
Center Program. 61264

Of the foregoing appropriation item 200-509, Adult Literacy 61265
Education, up to \$488,037 in each fiscal year shall be used for 61266
the support and operation of the State Literacy Resource Center. 61267

Of the foregoing appropriation item 200-509, Adult Literacy 61268
Education, up to \$175,000 in each fiscal year shall be used for 61269
state reimbursement to school districts for adult high school 61270
continuing education programs under section 3313.531 of the 61271
Revised Code or for costs associated with awarding adult high 61272
school diplomas under section 3313.611 of the Revised Code. 61273

Of the foregoing appropriation item 200-509, Adult Literacy 61274
Education, \$130,000 in each fiscal year shall be used to support 61275
initiatives for English as a Second Language programs. Funding 61276
shall be distributed as follows: \$60,000 in each fiscal year for 61277
Jewish Community Federation of Cleveland, \$25,000 in each fiscal 61278
year for Yassenoff Jewish Community Center of Columbus, \$30,000 in 61279
each fiscal year for Jewish Family Services of Cincinnati, and 61280
\$15,000 in each fiscal year for Jewish Family Services of Dayton. 61281

The remainder of the appropriation shall be used to continue 61282
to satisfy the state match and maintenance of effort requirements 61283
for the support and operation of the Department of 61284
Education-administered instructional grant program for adult basic 61285
and literacy education in accordance with the Department's state 61286
plan for adult basic and literacy education as approved by the 61287
State Board of Education and the Secretary of the United States 61288
Department of Education. 61289

Section 269.30.20. AUXILIARY SERVICES 61290

The foregoing appropriation item 200-511, Auxiliary Services, 61291

shall be used by the Department of Education for the purpose of 61292
implementing section 3317.06 of the Revised Code. Of the 61293
appropriation, up to \$2,060,000 in fiscal year 2008 and up to 61294
\$2,121,800 in fiscal year 2009 may be used for payment of the 61295
Post-Secondary Enrollment Options Program for nonpublic students. 61296
Notwithstanding section 3365.10 of the Revised Code, the 61297
Department, in accordance with Chapter 119. of the Revised Code, 61298
shall adopt rules governing the distribution method for these 61299
funds. 61300

POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION 61301

Of the foregoing appropriation item 200-514, Postsecondary 61302
Adult Career-Technical Education, \$40,000 in each fiscal year 61303
shall be used for statewide coordination of the activities of the 61304
Ohio Young Farmers. 61305

The remainder of appropriation item 200-514, Postsecondary 61306
Adult Career-Technical Education, shall be used by the State Board 61307
of Education to provide postsecondary adult career-technical 61308
education under sections 3313.52 and 3313.53 of the Revised Code. 61309

Section 269.30.30. GIFTED PUPIL PROGRAM 61310

The foregoing appropriation item 200-521, Gifted Pupil 61311
Program, shall be used for gifted education units not to exceed 61312
1,110 in each fiscal year under division (L) of section 3317.024 61313
and division (F) of section 3317.05 of the Revised Code. 61314

Of the foregoing appropriation item 200-521, Gifted Pupil 61315
Program, up to \$4,747,000 in fiscal year 2008 and up to \$4,794,470 61316
in fiscal year 2009 may be used as an additional supplement for 61317
identifying gifted students under Chapter 3324. of the Revised 61318
Code. 61319

Of the foregoing appropriation item 200-521, Gifted Pupil 61320
Program, the Department of Education may expend up to \$1,015,858 61321

in fiscal year 2008 and up to \$1,026,017 in fiscal year 2009 for 61322
the Summer Honors Institute, including funding for the Martin 61323
Essex Program, which shall be awarded through a request for 61324
proposals process. 61325

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 61326

The foregoing appropriation item 200-532, Nonpublic 61327
Administrative Cost Reimbursement, shall be used by the Department 61328
of Education for the purpose of implementing section 3317.063 of 61329
the Revised Code. 61330

Section 269.30.40. OHIO CORE SUPPORT 61331

The foregoing appropriation item 200-536, Ohio Core Support, 61332
shall be used to support implementation of the Ohio Core Program, 61333
which requires establishment of a rigorous high school curriculum 61334
for Ohio's high school students. The Department of Education and 61335
the Board of Regents shall jointly plan and work collaboratively 61336
to guide implementation of the Ohio Core Program and to administer 61337
funding to eligible school districts, fiscal agents, individuals, 61338
and programs as determined under this section. The Department of 61339
Education and the Board of Regents shall jointly agree to the 61340
awarding and expenditure of funds appropriated in this section. 61341

Of the foregoing appropriation item 200-536, Ohio Core 61342
Support, up to \$2,600,000 in fiscal year 2008 and up to \$3,000,000 61343
in fiscal year 2009 shall be used to support the participation of 61344
teachers licensed in Ohio and mid-career professionals not 61345
currently employed by a school district or chartered nonpublic 61346
school or licensed to teach at the primary or secondary education 61347
levels in a twelve-month intensive training program that leads to 61348
teacher licensure in a laboratory-based science, advanced 61349
mathematics, or foreign language field at the secondary education 61350
level and employment with an Ohio school district school 61351
designated by the Department of Education as a hard to staff 61352

school. 61353

Of the foregoing appropriation item 200-536, Ohio Core 61354
Support, up to \$1,500,000 in fiscal year 2008 and up to \$2,100,000 61355
in fiscal year 2009 shall be used to support alternative teacher 61356
licensure programs developed by educational service centers in 61357
partnership with institutions of higher education. Participants 61358
shall be teachers licensed in Ohio and mid-career professionals 61359
not currently employed by a school district or chartered nonpublic 61360
school or licensed to teach at the primary or secondary education 61361
levels. Programs shall support teacher licensure in a 61362
laboratory-based science, advanced mathematics, or foreign 61363
language field at the secondary education level and employment 61364
with an Ohio school district school designated by the Department 61365
of Education as a hard to staff school. The programs shall be 61366
consistent with the State Board of Education's alternative 61367
licensure requirements. 61368

Of the foregoing appropriation item 200-536, Ohio Core 61369
Support, up to \$3,600,000 in each fiscal year shall be distributed 61370
to school districts, and to public fiscal agents on behalf of 61371
chartered nonpublic schools, to be used to obtain contracted 61372
instruction with institutions of higher education in advanced 61373
mathematics, laboratory-based science, or foreign language for 61374
public and chartered nonpublic high school students that results 61375
in dual high school and college credit. Costs shall be based upon 61376
reasonable expenses that institutions of higher education could 61377
incur for faculty, supplies, and other associated costs. 61378

Of the foregoing appropriation item 200-536, Ohio Core 61379
Support, up to \$5,675,000 in fiscal year 2009 shall be distributed 61380
to public school districts for supplemental post-secondary 61381
enrollment option participation. The Partnership for Continued 61382
Learning shall make program recommendations by October 31, 2007, 61383
to the Department of Education and the Board of Regents to remove 61384

school district barriers to participation and improve the quality 61385
of course offerings, ensuring that credit earned at institutions 61386
of higher education will apply toward high school graduation 61387
requirements and associate or baccalaureate degree requirements. 61388
Eligibility requirements and grant amounts awarded to school 61389
districts in fiscal year 2009 for the program shall be determined 61390
by criteria established by the Department of Education in 61391
collaboration with the Board of Regents and the Partnership for 61392
Continued Learning. 61393

Of the foregoing appropriation item 200-536, Ohio Core 61394
Support, \$750,000 in fiscal year 2009 shall be used for Advanced 61395
Placement (AP) Summer Institutes for one hundred fifty English, 61396
social studies, and foreign language teachers and six hundred 61397
science and mathematics teachers. 61398

Section 269.30.50. SPECIAL EDUCATION ENHANCEMENTS 61399

Of the foregoing appropriation item 200-540, Special 61400
Education Enhancements, up to \$2,906,875 in each fiscal year shall 61401
be used for home instruction for children with disabilities; up to 61402
\$1,462,500 in each fiscal year shall be used for parent mentoring 61403
programs; and up to \$2,783,396 in each fiscal year may be used for 61404
school psychology interns. 61405

Of the foregoing appropriation item 200-540, Special 61406
Education Enhancements, \$750,000 in each fiscal year shall be used 61407
for the Out of School Initiative of Sinclair Community College. 61408

Of the foregoing appropriation item 200-540, Special 61409
Education Enhancements, \$200,000 shall be used for a preschool 61410
special education pilot program in Bowling Green City School 61411
District. 61412

Of the foregoing appropriation item 200-540, Special 61413
Education Enhancements, \$200,000 in each fiscal year shall be used 61414

to support the Bellefaire Jewish Children's Bureau. 61415

Of the foregoing appropriation item 200-540, Special 61416
Education Enhancements, up to \$82,707,558 in fiscal year 2008 and 61417
up to \$83,371,505 in fiscal year 2009 shall be distributed by the 61418
Department of Education to county boards of mental retardation and 61419
developmental disabilities, educational service centers, and 61420
school districts for preschool special education units and 61421
preschool supervisory units under section 3317.052 of the Revised 61422
Code. The Department may reimburse county boards of mental 61423
retardation and developmental disabilities, educational service 61424
centers, and school districts for related services as defined in 61425
rule 3301-51-11 of the Administrative Code, for preschool 61426
occupational and physical therapy services provided by a physical 61427
therapy assistant and certified occupational therapy assistant, 61428
and for an instructional assistant. To the greatest extent 61429
possible, the Department of Education shall allocate these units 61430
to school districts and educational service centers. 61431

No physical therapy assistant who provides services under 61432
this section shall fail to practice in accordance with the 61433
requirements of Chapter 4755. of the Revised Code and rules 61434
4755-27-02 and 4755-27-03 of the Administrative Code. No 61435
occupational therapy assistant who provides services under this 61436
section shall fail to practice in accordance with the requirements 61437
of Chapter 4755. of the Revised Code and rules 4755-7-01 and 61438
4755-7-03 of the Administrative Code. 61439

The Department of Education shall require school districts, 61440
educational service centers, and county MR/DD boards serving 61441
preschool children with disabilities to document child progress 61442
using research-based indicators prescribed by the Department and 61443
report results annually. The reporting dates and method shall be 61444
determined by the Department. 61445

Of the foregoing appropriation item 200-540, Special 61446

Education Enhancements, up to \$400,000 in each fiscal year shall 61447
be used for the Collaborative Language and Literacy Instruction 61448
Project. 61449

Of the foregoing appropriation item 200-540, Special 61450
Education Enhancements, \$325,000 in each fiscal year shall be used 61451
by the Ohio Center for Autism and Low Incidence to contract with 61452
the Delaware-Union Educational Service Center for the provision of 61453
autism transition services. 61454

Of the foregoing appropriation item 200-540, Special 61455
Education Enhancements, \$75,000 in each fiscal year shall be used 61456
for Leaf Lake/Geauga Educational Assistance Funding. 61457

Of the foregoing appropriation item 200-540, Special 61458
Education Enhancements, \$650,000 in each fiscal year shall be used 61459
to support Project More for one-to-one reading mentoring. 61460

The remainder of appropriation item 200-540, Special 61461
Education Enhancements, shall be used to fund special education 61462
and related services at county boards of mental retardation and 61463
developmental disabilities for eligible students under section 61464
3317.20 of the Revised Code and at institutions for eligible 61465
students under section 3317.201 of the Revised Code. 61466

Section 269.30.60. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 61467

Of the foregoing appropriation item 200-545, Career-Technical 61468
Education Enhancements, up to \$2,509,152 in fiscal year 2008 and 61469
up to \$2,584,427 in fiscal year 2009 shall be used to fund 61470
career-technical education grants at institutions. 61471

Of the foregoing appropriation item 200-545, Career-Technical 61472
Education Enhancements, up to \$2,621,507 in each fiscal year shall 61473
be used by the Department of Education to fund competitive grants 61474
to tech prep consortia that expand the number of students enrolled 61475
in tech prep programs. These grant funds shall be used to directly 61476

support expanded tech prep programs, including equipment, provided 61477
to students enrolled in school districts, including joint 61478
vocational school districts, and affiliated higher education 61479
institutions. 61480

Of the foregoing appropriation item 200-545, Career-Technical 61481
Education Enhancements, up to \$3,401,000 in each fiscal year shall 61482
be used by the Department of Education to support existing High 61483
Schools That Work (HSTW) sites, develop and support new sites, 61484
fund technical assistance, and support regional centers and middle 61485
school programs. The purpose of HSTW is to combine challenging 61486
academic courses and modern career-technical studies to raise the 61487
academic achievement of students. HSTW provides intensive 61488
technical assistance, focused staff development, targeted 61489
assessment services, and ongoing communications and networking 61490
opportunities. 61491

Of the foregoing appropriation item 200-545, Career-Technical 61492
Education Enhancements, up to \$466,992 in each fiscal year shall 61493
be allocated for the Ohio Career Information System (OCIS) and 61494
used for the dissemination of career information data to public 61495
schools, libraries, rehabilitation centers, two- and four-year 61496
colleges and universities, and other governmental units. 61497

Of the foregoing appropriation item 200-545, Career-Technical 61498
Education Enhancements, up to \$300,000 in each fiscal year shall 61499
be used by the Department of Education to enable students in 61500
agricultural programs to enroll in a fifth quarter of instruction 61501
based on the agricultural education model of delivering work-based 61502
learning through supervised agricultural experience. The 61503
Department of Education shall determine eligibility criteria and 61504
the reporting process for the Agriculture 5th Quarter Project and 61505
shall fund as many programs as possible given the set aside. 61506

Section 269.30.70. FOUNDATION FUNDING 61507

The foregoing appropriation item 200-550, Foundation Funding, 61508
includes \$75,000,000 in each fiscal year for the state education 61509
aid offset due to the change in public utility valuation as a 61510
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 61511
General Assembly. This amount represents the total state education 61512
aid offset due to the valuation change for school districts and 61513
joint vocational school districts from all relevant appropriation 61514
line item sources. Upon certification by the Department of 61515
Education, in consultation with the Department of Taxation, to the 61516
Director of Budget and Management of the actual state aid offset, 61517
the cash transfer from Fund 053, appropriation item 200-900, 61518
School District Property Tax Replacement - Utility, shall be 61519
decreased or increased by the Director of Budget and Management to 61520
match the certification in accordance with section 5727.84 of the 61521
Revised Code. 61522

The foregoing appropriation item 200-550, Foundation Funding, 61523
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 61524
fiscal year 2009 for the state education aid offset because of the 61525
changes in tangible personal property valuation as a result of Am. 61526
Sub. H.B. 66 of the 126th General Assembly. This amount represents 61527
the total state education aid offset because of the valuation 61528
change for school districts and joint vocational school districts 61529
from all relevant appropriation item sources. Upon certification 61530
by the Department of Education of the actual state education aid 61531
offset to the Director of Budget and Management, the cash transfer 61532
from Fund 047, appropriation item 200-909, School District 61533
Property Tax Replacement - Business, shall be decreased or 61534
increased by the Director of Budget and Management to match the 61535
certification in accordance with section 5751.21 of the Revised 61536
Code. 61537

Of the foregoing appropriation item 200-550, Foundation 61538
Funding, up to \$425,000 shall be expended in each fiscal year for 61539

court payments under section 2151.357 of the Revised Code; an 61540
amount shall be available in each fiscal year to fund up to 225 61541
full-time equivalent approved GRADS teacher grants under division 61542
(N) of section 3317.024 of the Revised Code; an amount shall be 61543
available in each fiscal year to make payments to school districts 61544
under division (A)(3) of section 3317.022 of the Revised Code; an 61545
amount shall be available in each fiscal year to make payments to 61546
school districts under division (F) of section 3317.022 of the 61547
Revised Code; and up to \$30,000,000 in each fiscal year shall be 61548
reserved for payments under sections 3317.026, 3317.027, and 61549
3317.028 of the Revised Code except that the Controlling Board may 61550
increase the \$30,000,000 amount if presented with such a request 61551
from the Department of Education. 61552

Of the foregoing appropriation item 200-550, Foundation 61553
Funding, up to \$19,770,000 in fiscal year 2008 and up to 61554
\$20,545,200 in fiscal year 2009 shall be used to provide 61555
additional state aid to school districts for special education 61556
students under division (C)(3) of section 3317.022 of the Revised 61557
Code, except that the Controlling Board may increase these amounts 61558
if presented with such a request from the Department of Education 61559
at the final meeting of the fiscal year; up to \$2,000,000 in each 61560
fiscal year shall be reserved for Youth Services tuition payments 61561
under section 3317.024 of the Revised Code; and up to \$52,000,000 61562
in each fiscal year shall be reserved to fund the state 61563
reimbursement of educational service centers under section 3317.11 61564
of the Revised Code and the section of this act entitled 61565
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 61566
available for special education weighted funding under division 61567
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 61568
of the Revised Code. 61569

Of the foregoing appropriation item 200-550, Foundation 61570
Funding, an amount shall be available in each fiscal year to be 61571

used by the Department of Education for transitional aid for 61572
school districts and joint vocational school districts. Funds 61573
shall be distributed under the sections of this act entitled 61574
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 61575
DISTRICTS" and "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 61576
DISTRICTS." 61577

Of the foregoing appropriation item 200-550, Foundation 61578
Funding, up to \$1,000,000 in each fiscal year shall be used by the 61579
Department of Education for a program to pay for educational 61580
services for youth who have been assigned by a juvenile court or 61581
other authorized agency to any of the facilities described in 61582
division (A) of the section of this act entitled "PRIVATE 61583
TREATMENT FACILITY PROJECT." 61584

Of the foregoing appropriation item 200-550, Foundation 61585
Funding, up to \$3,700,000 in each fiscal year shall be used for 61586
school breakfast programs. Of this amount, up to \$900,000 shall be 61587
used in each fiscal year by the Department of Education to 61588
contract with the Children's Hunger Alliance to expand access to 61589
child nutrition programs consistent with the organization's 61590
continued ability to meet specified performance measures as 61591
detailed in the contract. Of this amount, the Children's Hunger 61592
Alliance shall use at least \$150,000 in each fiscal year to 61593
subcontract with an appropriate organization or organizations to 61594
expand summer food participation in underserved areas of the 61595
state, consistent with those organizations' continued ability to 61596
meet specified performance measures as detailed in the 61597
subcontracts. The remainder of the appropriation shall be used to 61598
partially reimburse school buildings within school districts that 61599
are required to have a school breakfast program under section 61600
3313.813 of the Revised Code, at a rate decided by the Department. 61601

Of the foregoing appropriation item 200-550, Foundation 61602
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 61603

in fiscal year 2009 shall be used to operate the school choice 61604
program in the Cleveland Municipal School District under sections 61605
3313.974 to 3313.979 of the Revised Code. 61606

Of the portion of the funds distributed to the Cleveland 61607
Municipal School District under this section, up to \$11,901,887 in 61608
each fiscal year shall be used to operate the school choice 61609
program in the Cleveland Municipal School District under sections 61610
3313.974 to 3313.979 of the Revised Code. 61611

Of the foregoing appropriation item 200-550, Foundation 61612
Funding, \$3,312,165 in each fiscal year shall be used in 61613
conjunction with funding appropriated under appropriation item 61614
200-431, School Improvement Initiatives, to help support districts 61615
in the development and implementation of their continuous 61616
improvements plans and provide technical assistance and support in 61617
accordance with Title I of the No Child Left Behind Act of 2001. 61618

The remaining portion of appropriation item 200-550, 61619
Foundation Funding, shall be expended for the public schools of 61620
city, local, exempted village, and joint vocational school 61621
districts, including base-cost funding, special education speech 61622
service enhancement funding, career-technical education weight 61623
funding, career-technical education associated service funding, 61624
teacher training and experience funding, charge-off supplement, 61625
and excess cost supplement under sections 3317.022, 3317.023, 61626
3317.0216, and 3317.16 of the Revised Code. 61627

Appropriation items 200-502, Pupil Transportation, 200-521, 61628
Gifted Pupil Program, 200-540, Special Education Enhancements, and 61629
200-550, Foundation Funding, other than specific set-asides, are 61630
collectively used in each fiscal year to pay state formula aid 61631
obligations for school districts and joint vocational school 61632
districts under Chapter 3317. of the Revised Code. The first 61633
priority of these appropriation items, with the exception of 61634
specific set-asides, is to fund state formula aid obligations 61635

under Chapter 3317. of the Revised Code. It may be necessary to 61636
reallocate funds among these appropriation items or use excess 61637
funds from other general revenue fund appropriation items in the 61638
Department of Education's budget in each fiscal year, in order to 61639
meet state formula aid obligations. If it is determined that it is 61640
necessary to transfer funds among these appropriation items or to 61641
transfer funds from other General Revenue Fund appropriations in 61642
the Department of Education's budget to meet state formula aid 61643
obligations, the Department of Education shall seek approval from 61644
the Controlling Board to transfer funds as needed. 61645

Section 269.30.80. TRANSITIONAL AID FOR CITY, LOCAL, AND 61646
EXEMPTED VILLAGE SCHOOL DISTRICTS 61647

(A) The Department of Education shall distribute funds within 61648
appropriation item 200-550, Foundation Funding, for transitional 61649
aid in each fiscal year to each qualifying city, local, and 61650
exempted village school district. 61651

For fiscal years 2008 and 2009, the Department shall pay 61652
transitional aid to each city, local, or exempted village school 61653
district that experiences any decrease in its SF-3 funding for the 61654
current fiscal year from its transitional aid guarantee base for 61655
the current fiscal year. The amount of the transitional aid 61656
payment shall equal the difference between the district's SF-3 61657
funding for the current fiscal year and its transitional aid 61658
guarantee base for the current fiscal year. 61659

(B)(1) Subject to divisions (B)(3) and (C) of this section, 61660
the transitional aid guarantee base for each city, local, and 61661
exempted village school district for fiscal year 2008 equals the 61662
sum of the following as computed for fiscal year 2007, as 61663
reconciled by the Department: 61664

(a) Base-cost funding under division (A) of section 3317.022 61665
of the Revised Code; 61666

(b) Special education and related services additional weighted funding under division (C)(1) of section 3317.022 of the Revised Code;	61667 61668 61669
(c) Speech services funding under division (C)(4) of section 3317.022 of the Revised Code;	61670 61671
(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;	61672 61673
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;	61674 61675
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	61676 61677 61678
(g) Poverty-Based Assistance under section 3317.029 of the Revised Code;	61679 61680
(h) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	61681 61682
(i) Transportation under Section 206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended;	61683 61684
(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	61685 61686
(k) Parity aid under section 3317.0217 of the Revised Code;	61687
(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	61688 61689
(m) The charge-off supplement under section 3317.0216 of the Revised Code;	61690 61691
(n) Transitional aid under Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended.	61692 61693
(2) Subject to divisions (B)(3) and (C) of this section, the transitional aid guarantee base for each city, local, and exempted	61694 61695

village school district for fiscal year 2009 equals the sum of the 61696
following as computed for fiscal year 2008, as reconciled by the 61697
Department: 61698

(a) Base-cost funding under division (A) of section 3317.022 61699
of the Revised Code; 61700

(b) Special education and related services additional 61701
weighted funding under division (C)(1) of section 3317.022 of the 61702
Revised Code; 61703

(c) Speech services funding under division (C)(4) of section 61704
3317.022 of the Revised Code; 61705

(d) Vocational education additional weighted funding under 61706
division (E) of section 3317.022 of the Revised Code; 61707

(e) GRADS funding under division (N) of section 3317.024 of 61708
the Revised Code; 61709

(f) Adjustments for classroom teachers and educational 61710
service personnel under divisions (B), (C), and (D) of section 61711
3317.023 of the Revised Code; 61712

(g) Gifted education units under division (L) of section 61713
3317.024 and section 3317.05 of the Revised Code; 61714

(h) Transportation under the section of this act entitled 61715
"PUPIL TRANSPORTATION"; 61716

(i) The excess cost supplement under division (F) of section 61717
3317.022 of the Revised Code; 61718

(j) The charge-off supplement under section 3317.0216 of the 61719
Revised Code; 61720

(k) Transitional aid under this section. 61721

(3) The SF-3 funding for each fiscal year for each district 61722
is the sum of the amounts specified in divisions (B)(2)(a) to (k) 61723
of this section less any general revenue fund spending reductions 61724

ordered by the Governor under section 126.05 of the Revised Code. 61725

(C)(1) Notwithstanding any other provision of law to the 61726
contrary, only for purposes of this section, for any computation 61727
or computed value for previous fiscal years, the Department of 61728
Education shall substitute "ADM value" for "formula ADM," as the 61729
latter term was defined in law in effect for the fiscal year for 61730
which the previous computations were made. 61731

(2) As used in division (C) of this section, "ADM value" 61732
means the number of students reported by the entity providing 61733
educational services to those students, as follows: 61734

(a) In the case of students receiving educational services 61735
from a city, exempted village, or local school district, the 61736
number reported under division (B) of section 3317.03 of the 61737
Revised Code; 61738

(b) In the case of students receiving educational services 61739
from a joint vocational school district, the number reported under 61740
division (D)(2) of section 3317.03 of the Revised Code; 61741

(c) In the case of students receiving services from a 61742
community school, the number reported by the community school's 61743
governing authority under division (B)(2) of section 3314.08 of 61744
the Revised Code; 61745

(d) In the case of scholarship students receiving services 61746
from a chartered nonpublic school under a scholarship program 61747
pursuant to Chapter 3310. of the Revised Code, the number of such 61748
students reported by the nonpublic school in accordance with 61749
reporting requirements adopted by the Department for purposes of 61750
that program. 61751

Section 269.30.90. TRANSITIONAL AID FOR JOINT VOCATIONAL 61752
SCHOOL DISTRICTS 61753

(A) The Department of Education shall distribute funds within 61754

appropriation item 200-550, Foundation Funding, for transitional 61755
aid in each fiscal year to each joint vocational school district 61756
that experiences a decrease in its joint vocational funding for 61757
the current fiscal year from the previous fiscal year. The 61758
Department shall distribute to each such district transitional aid 61759
in an amount equal to the decrease in the district's joint 61760
vocational funding from the previous fiscal year. 61761

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 61762
district's joint vocational funding equals the sum of the 61763
following: 61764

(a) Base-cost funding under division (B) of section 3317.16 61765
of the Revised Code; 61766

(b) Special education and related services additional 61767
weighted funding under division (D)(1) of section 3317.16 of the 61768
Revised Code; 61769

(c) Speech services funding under division (D)(2) of section 61770
3317.16 of the Revised Code; 61771

(d) Vocational education additional weighted funding under 61772
division (C) of section 3317.16 of the Revised Code; 61773

(e) GRADS funding under division (N) of section 3317.024 of 61774
the Revised Code. 61775

(2) For purposes of calculating transitional aid for fiscal 61776
year 2008, a district's fiscal year 2007 joint vocational funding 61777
is the sum of the amounts described in divisions (B)(1)(a) to (e) 61778
of this section, plus any transitional aid computed for the 61779
district under Section 206.09.42 of Am. Sub. H.B. 66 of the 126th 61780
General Assembly, as subsequently amended, as reconciled by the 61781
Department. For purposes of calculating transitional aid for 61782
fiscal year 2009, a district's fiscal year 2008 joint vocational 61783
funding is the sum of the amounts described in divisions (B)(1)(a) 61784
to (e) of this section, plus any transitional aid computed for the 61785

district under this section, as reconciled by the Department. 61786

(3) The joint vocational funding for each fiscal year for 61787
each district is the sum of the amounts specified in divisions 61788
(B)(1)(a) to (e) and (B)(2) of this section less any general 61789
revenue fund spending reductions ordered by the Governor under 61790
section 126.05 of the Revised Code. 61791

Section 269.40.10. LITERACY IMPROVEMENT-CLASSROOM GRANTS 61792

The foregoing appropriation item 200-566, Literacy 61793
Improvement-Classroom Grants, shall be disbursed by the Department 61794
of Education to provide reading improvement grants to public 61795
schools in city, local, and exempted village school districts; 61796
community schools; and educational service centers serving 61797
kindergarten through twelfth grade students to help struggling 61798
students improve their reading skills, improve reading outcomes in 61799
low-performing schools, and help close achievement gaps. 61800

VIOLENCE PREVENTION AND SCHOOL SAFETY 61801

Of the foregoing appropriation item 200-578, Violence 61802
Prevention and School Safety, up to \$224,250 in each fiscal year 61803
shall be used to fund a safe school center to provide resources 61804
for parents and for school and law enforcement personnel. 61805

The remainder of the appropriation shall be distributed based 61806
on guidelines developed by the Department of Education to enhance 61807
school safety. The guidelines shall provide a list of 61808
research-based best practices and programs from which local 61809
grantees shall select based on local needs. These practices shall 61810
include, but not be limited to, school resource officers and safe 61811
and drug free school coordinators and social-emotional development 61812
programs. 61813

Section 269.40.20. PROPERTY TAX ALLOCATION - EDUCATION 61814

The Superintendent of Public Instruction shall not request, 61815
and the Controlling Board shall not approve, the transfer of funds 61816
from appropriation item 200-901, Property Tax Allocation - 61817
Education, to any other appropriation item. 61818

The appropriation item 200-901, Property Tax Allocation - 61819
Education, is appropriated to pay for the state's costs incurred 61820
because of the homestead exemption and the property tax rollback. 61821
In cooperation with the Department of Taxation, the Department of 61822
Education shall distribute these funds directly to the appropriate 61823
school districts of the state, notwithstanding sections 321.24 and 61824
323.156 of the Revised Code, which provide for payment of the 61825
homestead exemption and property tax rollback by the Tax 61826
Commissioner to the appropriate county treasurer and the 61827
subsequent redistribution of these funds to the appropriate local 61828
taxing districts by the county auditor. 61829

Appropriation item 200-906, Tangible Tax Exemption - 61830
Education, is appropriated to pay for the state's costs incurred 61831
because of the tangible personal property tax exemption required 61832
by division (C)(3) of section 5709.01 of the Revised Code. In 61833
cooperation with the Department of Taxation, the Department of 61834
Education shall distribute to each county treasurer the total 61835
amount appearing in the notification from the county treasurer 61836
under division (G) of section 321.24 of the Revised Code, for all 61837
school districts located in the county, notwithstanding section 61838
321.24 of the Revised Code insofar as it provides for payment of 61839
the \$10,000 tangible personal property tax exemption by the Tax 61840
Commissioner to the appropriate county treasurer for all local 61841
taxing districts located in the county. Pursuant to division (G) 61842
of section 321.24 of the Revised Code, the county auditor shall 61843
distribute the amount paid by the Department of Education among 61844
the appropriate school districts. 61845

Upon receipt of these amounts, each school district shall 61846

distribute the amount among the proper funds as if it had been 61847
paid as real or tangible personal property taxes. Payments for the 61848
costs of administration shall continue to be paid to the county 61849
treasurer and county auditor as provided for in sections 319.54, 61850
321.26, and 323.156 of the Revised Code. 61851

Any sums, in addition to the amounts specifically 61852
appropriated in appropriation items 200-901, Property Tax 61853
Allocation - Education, for the homestead exemption and the 61854
property tax rollback payments, and 200-906, Tangible Tax 61855
Exemption - Education, for the \$10,000 tangible personal property 61856
tax exemption payments, which are determined to be necessary for 61857
these purposes, are hereby appropriated. 61858

Section 269.40.30. TEACHER CERTIFICATION AND LICENSURE 61859

The foregoing appropriation item 200-681, Teacher 61860
Certification and Licensure, shall be used by the Department of 61861
Education in each year of the biennium to administer and support 61862
teacher certification and licensure activities. 61863

SCHOOL DISTRICT SOLVENCY ASSISTANCE 61864

Of the foregoing appropriation item 200-687, School District 61865
Solvency Assistance, \$9,000,000 in each fiscal year shall be 61866
allocated to the School District Shared Resource Account and 61867
\$9,000,000 in each fiscal year shall be allocated to the 61868
Catastrophic Expenditures Account. These funds shall be used to 61869
provide assistance and grants to school districts to enable them 61870
to remain solvent under section 3316.20 of the Revised Code. 61871
Assistance and grants shall be subject to approval by the 61872
Controlling Board. Any required reimbursements from school 61873
districts for solvency assistance shall be made to the appropriate 61874
account in the School District Solvency Assistance Fund (Fund 61875
5H3). 61876

Notwithstanding any provision of law to the contrary, upon 61877
the request of the Superintendent of Public Instruction, the 61878
Director of Budget and Management may make transfers to the School 61879
District Solvency Assistance Fund (Fund 5H3) from any Department 61880
of Education-administered fund or the General Revenue Fund to 61881
maintain sufficient cash balances in the School District Solvency 61882
Assistance Fund (Fund 5H3) in fiscal years 2008 and 2009. Any 61883
funds transferred are hereby appropriated. The transferred funds 61884
may be used by the Department of Education to provide assistance 61885
and grants to school districts to enable them to remain solvent 61886
and to pay unforeseeable expenses of a temporary or emergency 61887
nature that the school district is unable to pay from existing 61888
resources. The Director of Budget and Management shall notify the 61889
members of the Controlling Board of any such transfers. 61890

Section 269.40.40. READING FIRST 61891

The foregoing appropriation item 200-632, Reading First, 61892
shall be used by school districts to administer federal diagnostic 61893
tests as well as other functions permitted by federal statute. 61894
Notwithstanding section 3301.079 of the Revised Code, federal 61895
diagnostic tests may be recognized as meeting the state diagnostic 61896
testing requirements outlined in section 3301.079 of the Revised 61897
Code. 61898

HALF-MILL MAINTENANCE EQUALIZATION 61899

The foregoing appropriation item 200-626, Half-Mill 61900
Maintenance Equalization, shall be used to make payments pursuant 61901
to section 3318.18 of the Revised Code. 61902

Section 269.40.50. START-UP FUNDS 61903

Funds appropriated for the purpose of providing start-up 61904
grants to Title IV-A Head Start and Title IV-A Head Start Plus 61905
agencies in fiscal year 2004 and fiscal year 2005 for the 61906

provision of services to children eligible for Title IV-A services 61907
under the Title IV-A Head Start or Title IV-A Head Start Plus 61908
programs shall be reimbursed to the General Revenue Fund as 61909
follows: 61910

(A) If, for fiscal year 2008, an entity that was a Title IV-A 61911
Head Start or Title IV-A Head Start Plus agency will not be an 61912
early learning agency or early learning provider, the entity shall 61913
repay the entire amount of the start-up grant it received in 61914
fiscal year 2004 and fiscal year 2005 not later than June 30, 61915
2009, in accordance with a payment schedule agreed to by the 61916
Department of Education. 61917

(B) If an entity that was a Title IV-A Head Start or Title 61918
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 61919
2005 will be an early learning agency or early learning provider 61920
in fiscal year 2008 and fiscal year 2009, the entity shall be 61921
allowed to retain any amount of the start-up grant it received. 61922

(C) Within ninety days after the effective date of this 61923
section, the Title IV-A Head Start agencies, Title IV-A Head Start 61924
Plus agencies, and the Department of Education shall determine the 61925
repayment schedule for amounts owed under division (A) of this 61926
section. These amounts shall be paid to the state not later than 61927
June 30, 2009. 61928

(D) If an entity that was a Title IV-A Head Start or Title 61929
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 61930
2005 owed the state any portion of the start-up grant amount 61931
during fiscal year 2006 or fiscal year 2007 but failed to repay 61932
the entire amount of the obligation by June 30, 2007, the entity 61933
shall be given an extension for repayment through June 30, 2009, 61934
before any amounts remaining due and payable to the state are 61935
referred to the Attorney General for collection under section 61936
131.02 of the Revised Code. 61937

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 61938
start-up grants that are retained by early learning agencies or 61939
early learning providers pursuant to this section shall be 61940
reimbursed to the General Revenue Fund when the early learning 61941
program ceases or is no longer funded from Title IV-A or if an 61942
early learning agency's or early learning provider's participation 61943
in the early learning program ceases or is terminated. 61944

Section 269.40.60. AUXILIARY SERVICES REIMBURSEMENT 61945

Notwithstanding section 3317.064 of the Revised Code, if the 61946
unobligated cash balance is sufficient, the Treasurer of State 61947
shall transfer \$1,500,000 in fiscal year 2008 within thirty days 61948
after the effective date of this section, and \$1,500,000 in fiscal 61949
year 2009 by August 1, 2008, from the Auxiliary Services Personnel 61950
Unemployment Compensation Fund to the Department of Education's 61951
Auxiliary Services Reimbursement Fund (Fund 598). 61952

Section 269.40.70. LOTTERY PROFITS EDUCATION FUND 61953

Appropriation item 200-612, Foundation Funding (Fund 017), 61954
shall be used in conjunction with appropriation item 200-550, 61955
Foundation Funding (GRF), to provide payments to school districts 61956
under Chapter 3317. of the Revised Code. 61957

The Department of Education, with the approval of the 61958
Director of Budget and Management, shall determine the monthly 61959
distribution schedules of appropriation item 200-550, Foundation 61960
Funding (GRF), and appropriation item 200-612, Foundation Funding 61961
(Fund 017). If adjustments to the monthly distribution schedule 61962
are necessary, the Department of Education shall make such 61963
adjustments with the approval of the Director of Budget and 61964
Management. 61965

The Director of Budget and Management shall transfer via 61966
intrastate transfer voucher the amount appropriated under the 61967

Lottery Profits Education Fund for appropriation item 200-682, 61968
Lease Rental Payment Reimbursement, to the General Revenue Fund on 61969
a schedule determined by the director. These funds shall support 61970
the appropriation item 230-428, Lease Rental Payments (GRF), of 61971
the School Facilities Commission. 61972

Section 269.40.80. LOTTERY PROFITS EDUCATION RESERVE FUND 61973

(A) There is hereby created the Lottery Profits Education 61974
Reserve Fund (Fund 018) in the State Treasury. Investment earnings 61975
of the Lottery Profits Education Reserve Fund shall be credited to 61976
the fund. The Superintendent of Public Instruction may certify 61977
cash balances exceeding \$75,000,000 in the Lottery Profits 61978
Education Reserve Fund (Fund 018) to the Director of Budget and 61979
Management in June of any given fiscal year. Prior to making the 61980
certification, the Superintendent of Public Instruction shall 61981
determine whether the funds above the \$75,000,000 threshold are 61982
needed to help pay for foundation program obligations for that 61983
fiscal year under Chapter 3317. of the Revised Code. If those 61984
funds are needed for the foundation program, the Superintendent of 61985
Public Instruction shall notify and consult with the Director of 61986
Budget and Management to determine the amount that may be 61987
transferred to the Public School Building Fund (Fund 021). Upon 61988
this determination, the Director of Budget and Management shall 61989
transfer the amount from the Lottery Profits Education Reserve 61990
Fund (Fund 018) to the Public School Building Fund (Fund 021). The 61991
amount transferred is hereby appropriated to appropriation item 61992
CAP-622, Public School Buildings. 61993

For fiscal years 2008 and 2009, notwithstanding any 61994
provisions of law to the contrary, amounts necessary to make loans 61995
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 61996
Revised Code are hereby appropriated to the Lottery Profits 61997
Education Reserve Fund (Fund 018). Loan repayments from loans made 61998

in previous years shall be deposited to the fund. 61999

(B) On July 15, 2007, or as soon as possible thereafter, the 62000
Director of the Ohio Lottery Commission shall certify to the 62001
Director of Budget and Management the amount by which lottery 62002
profit transfers received by the Lottery Profits Education Fund 62003
(Fund 017) exceeded \$637,900,000 in fiscal year 2007. The Director 62004
of Budget and Management shall transfer the amount so certified, 62005
plus the cash balance in Fund 017, to the General Revenue Fund to 62006
support appropriation item 200-550, Foundation Funding. 62007

(C) On July 15, 2008, or as soon as possible thereafter, the 62009
Director of the Ohio Lottery Commission shall certify to the 62010
Director of Budget and Management the amount by which lottery 62011
profit transfers received by the Lottery Profits Education Fund 62012
(Fund 017) exceeded \$657,900,000 in fiscal year 2008. The Director 62013
of Budget and Management may transfer the amount so certified, 62014
plus the cash balance in Fund 017, to the Lottery Profits 62015
Education Reserve Fund (Fund 018) or to the General Revenue Fund 62016
to support appropriation item 200-550, Foundation Funding. 62017

(D) Any amounts transferred under division (B) or (C) of this 62018
section may be made available by the Controlling Board in fiscal 62019
years 2008 or 2009, at the request of the Superintendent of Public 62020
Instruction, to provide assistance and grants to school districts 62021
to enable them to remain solvent and to pay unforeseeable expenses 62022
of a temporary or emergency nature that they are unable to pay 62023
from existing resources under section 3316.20 of the Revised Code, 62024
and to provide payments to school districts under Chapter 3317. of 62025
the Revised Code. 62026

Section 269.40.90. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 62027
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 047) 62028

Notwithstanding any provision of law to the contrary, in 62029

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.

Section 269.50.10. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS

The foregoing appropriation item, 200-909, School District Property Tax Replacement - Business, in Fund 047, shall be used by the Department of Education, in consultation with the Department of Taxation, to make payments to school districts and joint vocational school districts under section 5751.21 of the Revised Code. If it is determined by the Director of Budget and Management that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY

The foregoing appropriation item 200-900, School District Property Tax Replacement-Utility, in Fund 053, shall be used by the Department of Education, in consultation with the Department of Taxation, to make payments to school districts and joint vocational school districts under section 5727.85 of the Revised Code.

Section 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING

(A) As used in this section:

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) "Service center ADM" has the same meaning as in section

3317.11 of the Revised Code. 62059

(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. 62060
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(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 ADM of the community school's sponsoring service center. The General Assembly authorizes this procedure as an incentive for educational service centers to take over sponsorship of community schools from the State Board of Education as the State Board's sponsorship is phased out in accordance with Sub. H.B. 364 of the 124th General Assembly. No student of an Internet- or 62070
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computer-based community school shall be counted in the service center ADM of any educational service center. The Department shall pay educational service centers under division (F) of section 3317.11 of the Revised Code for community school students included in their service center ADMs under this division only if sufficient funds earmarked within appropriation item 200-550, Foundation Funding, for payments under that division remain after first paying for students attributable to their local and client school districts, in accordance with divisions (B) and (D) of this section.

(D) If insufficient funds are earmarked within appropriation item 200-550, Foundation Funding, for payments under division (F) of section 3317.11 of the Revised Code and division (C) of this section in fiscal year 2008 or fiscal year 2009, the Department shall prioritize the distribution of the earmarked funds as follows:

(1) The Department shall first distribute to each educational service center the per-student amount specified in division (F) of section 3317.11 of the Revised Code for each student in its service center ADM attributable to the local school districts within the service center's territory.

(2) The Department shall distribute the remaining funds in each fiscal year to each educational service center for the students in its service center ADM attributable to each city and exempted village school district that had entered into an agreement with an educational service center for that fiscal year under section 3313.843 of the Revised Code by January 1, 1997, up to the per-student amount specified in division (F) of section 3317.11 of the Revised Code. If insufficient funds remain to pay each service center the full amount specified in division (F) of that section for each such student, the Department shall distribute the remaining funds to each service center

proportionally, on a per-student basis for each such student, 62123
unless that proportional per-student amount exceeds the amount 62124
specified in division (F)(1) of that section. In that case, the 62125
Department shall distribute the per-student amount specified in 62126
division (F)(1) of that section to each service center for each 62127
such student and shall distribute the remainder proportionally, on 62128
a per-student basis for each such student, to the multi-county 62129
service centers described in division (F)(2) of that section. 62130

(3) If the Department has paid each service center under 62131
divisions (D)(1) and (2) of this section, the full amount 62132
specified in division (F) of section 3317.11 of the Revised Code 62133
for each student attributable to its local school districts and 62134
its client school districts described in division (D)(2) of this 62135
section the Department shall distribute any remaining funds 62136
proportionally, on a per-student basis, to each service center 62137
that sponsors a community school, other than an Internet- or 62138
computer-based community school, for the students included in the 62139
service center ADM under division (C) of this section. These 62140
payments shall not exceed per student the amount specified in 62141
division (F) of section 3317.11 of the Revised Code. 62142

***Section 269.50.40.** For the school year commencing July 1, 62143
2007, or the school year commencing July 1, 2008, or both, the 62144
Superintendent of Public Instruction may waive for the board of 62145
education of any school district the ratio of teachers to pupils 62146
in kindergarten through fourth grade required under paragraph 62147
(A)(3) of rule 3301-35-05 of the Administrative Code if the 62148
following conditions apply: 62149

(A) The board of education requests the waiver. 62150

(B) After the Department of Education conducts an on-site 62151
evaluation of the district related to meeting the required ratio, 62152
the board of education demonstrates to the satisfaction of the 62153

Superintendent of Public Instruction that providing the facilities 62154
necessary to meet the required ratio during the district's regular 62155
school hours with pupils in attendance would impose an extreme 62156
hardship on the district. 62157

(C) The board of education provides assurances that are 62158
satisfactory to the Superintendent of Public Instruction that the 62159
board will act in good faith to meet the required ratio as soon as 62160
possible. 62161

Section 269.50.50. PRIVATE TREATMENT FACILITY PROJECT 62162

(A) As used in this section: 62163

(1) The following are "participating residential treatment 62164
centers": 62165

(a) Private residential treatment facilities that have 62166
entered into a contract with the Department of Youth Services to 62167
provide services to children placed at the facility by the 62168
Department and which, in fiscal year 2008 or fiscal year 2009 or 62169
both, the Department pays through appropriation item 470-401, Care 62170
and Custody; 62171

(b) Abraxas, in Shelby; 62172

(c) Paint Creek, in Bainbridge; 62173

(d) Act One, in Akron; 62174

(e) Friars Club, in Cincinnati. 62175

(2) "Education program" means an elementary or secondary 62176
education program or a special education program and related 62177
services. 62178

(3) "Served child" means any child receiving an education 62179
program pursuant to division (B) of this section. 62180

(4) "School district responsible for tuition" means a city, 62181
exempted village, or local school district that, if tuition 62182

payment for a child by a school district is required under law 62183
that existed in fiscal year 1998, is the school district required 62184
to pay that tuition. 62185

(5) "Residential child" means a child who resides in a 62186
participating residential treatment center and who is receiving an 62187
educational program under division (B) of this section. 62188

(B) A youth who is a resident of the state and has been 62189
assigned by a juvenile court or other authorized agency to a 62190
residential treatment facility specified in division (A) of this 62191
section shall be enrolled in an approved educational program 62192
located in or near the facility. Approval of the educational 62193
program shall be contingent upon compliance with the criteria 62194
established for such programs by the Department of Education. The 62195
educational program shall be provided by a school district or 62196
educational service center, or by the residential facility itself. 62197
Maximum flexibility shall be given to the residential treatment 62198
facility to determine the provider. In the event that a voluntary 62199
agreement cannot be reached and the residential facility does not 62200
choose to provide the educational program, the educational service 62201
center in the county in which the facility is located shall 62202
provide the educational program at the treatment center to 62203
children under twenty-two years of age residing in the treatment 62204
center. 62205

(C) Any school district responsible for tuition for a 62206
residential child shall, notwithstanding any conflicting provision 62207
of the Revised Code regarding tuition payment, pay tuition for the 62208
child for fiscal year 2008 and fiscal year 2009 to the education 62209
program provider and in the amount specified in this division. If 62210
there is no school district responsible for tuition for a 62211
residential child and if the participating residential treatment 62212
center to which the child is assigned is located in the city, 62213
exempted village, or local school district that, if the child were 62214

not a resident of that treatment center, would be the school 62215
district where the child is entitled to attend school under 62216
sections 3313.64 and 3313.65 of the Revised Code, that school 62217
district, notwithstanding any conflicting provision of the Revised 62218
Code, shall pay tuition for the child for fiscal year 2008 and 62219
fiscal year 2009 under this division unless that school district 62220
is providing the educational program to the child under division 62221
(B) of this section. 62222

A tuition payment under this division shall be made to the 62223
school district, educational service center, or residential 62224
treatment facility providing the educational program to the child. 62225

The amount of tuition paid shall be: 62226

(1) The amount of tuition determined for the district under 62227
division (A) of section 3317.08 of the Revised Code; 62228

(2) In addition, for any student receiving special education 62229
pursuant to an individualized education program as defined in 62230
section 3323.01 of the Revised Code, a payment for excess costs. 62231
This payment shall equal the actual cost to the school district, 62232
educational service center, or residential treatment facility of 62233
providing special education and related services to the student 62234
pursuant to the student's individualized education program, minus 62235
the tuition paid for the child under division (C)(1) of this 62236
section. 62237

A school district paying tuition under this division shall 62238
not include the child for whom tuition is paid in the district's 62239
average daily membership certified under division (A) of section 62240
3317.03 of the Revised Code. 62241

(D) In each of fiscal years 2008 and 2009, the Department of 62242
Education shall reimburse, from appropriations made for the 62243
purpose, a school district, educational service center, or 62244
residential treatment facility, whichever is providing the 62245

service, that has demonstrated that it is in compliance with the 62246
funding criteria for each served child for whom a school district 62247
must pay tuition under division (C) of this section. The amount of 62248
the reimbursement shall be the formula amount specified in section 62249
3317.022 of the Revised Code, except that the department shall 62250
proportionately reduce this reimbursement if sufficient funds are 62251
not available to pay this amount to all qualified providers. 62252

(E) Funds provided to a school district, educational service 62253
center, or residential treatment facility under this section shall 62254
be used to supplement, not supplant, funds from other public 62255
sources for which the school district, service center, or 62256
residential treatment facility is entitled or eligible. 62257

(F) The Department of Education shall track the utilization 62258
of funds provided to school districts, educational service 62259
centers, and residential treatment facilities under this section 62260
and monitor the effect of the funding on the educational programs 62261
they provide in participating residential treatment facilities. 62262
The department shall monitor the programs for educational 62263
accountability. 62264

Section 269.50.60. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 62265
ASSESSMENT OF EDUCATION PROGRESS 62266

The General Assembly intends for the Superintendent of Public 62267
Instruction to provide for school district participation in the 62268
administration of the National Assessment of Education Progress in 62269
accordance with section 3301.27 of the Revised Code. Each school 62270
and school district selected for participation by the 62271
Superintendent of Public Instruction shall participate. 62272

Section 269.50.70. DEPARTMENT OF EDUCATION APPROPRIATION 62273
TRANSFERS FOR STUDENT ASSESSMENT 62274

In fiscal year 2008 and fiscal year 2009, if the 62275

Superintendent of Public Instruction determines that additional 62276
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 62277
of the 125th General Assembly and this act for assessments of 62278
student performance, the Superintendent of Public Instruction may 62279
recommend the reallocation of unspent and unencumbered 62280
appropriations within the Department of Education to the General 62281
Revenue Fund appropriation item 200-437, Student Assessment, to 62282
the Director of Budget and Management. If the Director of Budget 62283
and Management determines that such a reallocation is required, 62284
the Director of Budget and Management may transfer unspent and 62285
unencumbered funds within the Department of Education as necessary 62286
to appropriation item 200-437, Student Assessment. If these 62287
unspent and unencumbered funds are not sufficient to fully fund 62288
the assessment requirements in fiscal year 2008 or fiscal year 62289
2009, the Superintendent of Public Instruction may request that 62290
the Controlling Board transfer up to \$9,000,000 cash from the 62291
Lottery Profits Education Reserve Fund (Fund 018) to the General 62292
Revenue Fund and appropriate these transferred funds to 62293
appropriation item 200-437, Student Assessment. 62294

Section 269.50.80. (A) As used in this section: 62295

(1) "IEP" has the same meaning as in section 3314.08 of the 62296
Revised Code. 62297

(2) "SBH student" means a student receiving special education 62298
and related services for severe behavior handicap conditions 62299
pursuant to an IEP. 62300

(B) This section applies only to a community school 62301
established under Chapter 3314. of the Revised Code that in each 62302
of fiscal years 2008 and 2009 enrolls a number of SBH students 62303
equal to at least fifty per cent of the total number of students 62304
enrolled in the school in the applicable fiscal year. 62305

(C) In addition to any payments made under section 3314.08 of 62306

the Revised Code, in each of fiscal years 2008 and 2009, the 62307
Department of Education shall pay to a community school to which 62308
this section applies a subsidy equal to the difference between the 62309
aggregate amount calculated and paid in that fiscal year to the 62310
community school for special education and related services 62311
additional weighted costs for the SBH students enrolled in the 62312
school and the aggregate amount that would have been calculated 62313
for the school for special education and related services 62314
additional weighted costs for those same students in fiscal year 62315
2001. If the difference is a negative number, the amount of the 62316
subsidy shall be zero. 62317

(D) The amount of any subsidy paid to a community school 62318
under this section shall not be deducted from the school district 62319
in which any of the students enrolled in the community school are 62320
entitled to attend school under section 3313.64 or 3313.65 of the 62321
Revised Code. The amount of any subsidy paid to a community school 62322
under this section shall be paid from funds appropriated to the 62323
Department of Education in appropriation item 200-550, Foundation 62324
Funding. 62325

Section 269.50.90. EARMARK ACCOUNTABILITY 62326

At the request of the Superintendent of Public Instruction, 62327
any entity that receives a budget earmark under the Department of 62328
Education shall submit annually to the chairpersons of the 62329
committees of the House of Representatives and the Senate 62330
primarily concerned with education and to the Department of 62331
Education a report that includes a description of the services 62332
supported by the funds, a description of the results achieved by 62333
those services, an analysis of the effectiveness of the program, 62334
and an opinion as to the program's applicability to other school 62335
districts. For an earmarked entity that received state funds from 62336
an earmark in the prior fiscal year, no funds shall be provided by 62337

the Department of Education to an earmarked entity for a fiscal 62338
year until its report for the prior fiscal year has been 62339
submitted. 62340

Section 269.60.10. No community school established under 62341
Chapter 3314. of the Revised Code that was not open for operation 62342
as of May 1, 2005, shall operate from a home, as defined in 62343
section 3313.64 of the Revised Code. 62344

Section 269.60.30. PLAN TO MOVE ADULT EDUCATION PROGRAMS TO 62345
BOARD OF REGENTS 62346

The Board of Regents shall work collaboratively with the 62347
Department of Education to identify adult and career-technical 62348
education programs that shall be transferred to the Board of 62349
Regents. The Chancellor of the Board of Regents shall work in 62350
consultation with the Department and the various identified 62351
programs to develop a plan by July 1, 2008, for the transfer that 62352
benefits adult learners by preserving points of access, increasing 62353
opportunities, maintaining affordability, and creating a system of 62354
uniform quality with the ability to earn credit. The transfer 62355
shall be completed by January 1, 2009. The purpose of this 62356
programmatic transfer is to better align and maximize the strength 62357
and flexibility of the full array of Ohio adult workforce 62358
education assets to improve the overall quality of adult education 62359
and training program course and training offerings in order to 62360
increase the skills and improve the employment prospects of 62361
adults. 62362

On or after January 1, 2009, notwithstanding any provision of 62363
law to the contrary, the Director of Budget and Management may 62364
take the actions described in this section made necessary by the 62365
movement of adult education and career programs from the 62366
Department of Education to the Board of Regents. These actions may 62367

include budget changes made necessary by administrative 62368
reorganization, program transfers, the creation of new funds, the 62369
creation of new appropriation items, and the consolidation of 62370
funds. The Director may transfer cash balances between funds as 62371
needed. At the request of the Director, the Superintendent of 62372
Public Instruction shall certify to the Director an estimate of 62373
the amount of the cash balance to be transferred to the receiving 62374
fund. The Director may transfer the estimated amount to the Board 62375
of Regents when needed to make payments. Not more than thirty days 62376
after certifying the estimated amount, the Superintendent of 62377
Public Instruction shall certify the final amount to the Director. 62378
The Director then shall transfer the difference between any amount 62379
previously transferred and the certified final amount. The 62380
Director may cancel encumbrances and re-establish encumbrances or 62381
parts of encumbrances as needed in the appropriate fund and 62382
appropriation item for the same purpose and to the same vendor. 62383
The funds necessary to re-establish those encumbrances in a 62384
different fund or appropriation item within or between the Board 62385
of Regents and the Department of Education are hereby 62386
appropriated. The Director shall reduce each year's appropriation 62387
balances by the amount of the encumbrances canceled in their 62388
respective funds and appropriation items. Any fiscal year 2008 62389
unencumbered or unallocated appropriation balances may be 62390
transferred to the appropriate item to be used for the same 62391
purposes, as determined by the Director. 62392

Section 269.60.35. STUDY OF EXPANDING AUTISM SCHOLARSHIP 62393
PROGRAM 62394

Not later than December 31, 2008, the Department of Education 62395
shall conduct a study and submit written recommendations to the 62396
General Assembly, in accordance with section 101.68 of the Revised 62397
Code, regarding ways to expand the Autism Scholarship Program, 62398
established in section 3310.41 of the Revised Code, to students 62399

identified with disabilities other than autism. 62400

Section 269.60.60. UNAUDITABLE COMMUNITY SCHOOL 62401

(A) If the Auditor of State or a public accountant, pursuant 62402
to section 117.41 of the Revised Code, declares a community school 62403
established under Chapter 3314. of the Revised Code to be 62404
unauditable, the Auditor of State shall provide written 62405
notification of that declaration to the school, the school's 62406
sponsor, and the Department of Education. The Auditor of State 62407
also shall post the notification on the Auditor of State's web 62408
site. 62409

(B) Notwithstanding any provision to the contrary in Chapter 62410
3314. of the Revised Code or any other provision of law, a sponsor 62411
of a community school that is notified by the Auditor of State 62412
under division (A) of this section that a community school it 62413
sponsors is unauditabile shall not enter into contracts with any 62414
additional community schools under section 3314.03 of the Revised 62415
Code until the Auditor of State or a public accountant has 62416
completed a financial audit of that school. 62417

(C) Not later than forty-five days after receiving 62418
notification by the Auditor of State under division (A) of this 62419
section that a community school is unauditabile, the sponsor of the 62420
school shall provide a written response to the Auditor of State. 62421
The response shall include the following: 62422

(1) An overview of the process the sponsor will use to review 62423
and understand the circumstances that led to the community school 62424
becoming unauditabile; 62425

(2) A plan for providing the Auditor of State with the 62426
documentation necessary to complete an audit of the community 62427
school and for ensuring that all financial documents are available 62428
in the future; 62429

(3) The actions the sponsor will take to ensure that the plan 62430
described in division (C)(2) of this section is implemented. 62431

(D) If a community school fails to make reasonable efforts 62432
and continuing progress to bring its accounts, records, files, or 62433
reports into an auditable condition within ninety days after being 62434
declared unauditabile, the Auditor of State, in addition to 62435
requesting legal action under sections 117.41 and 117.42 of the 62436
Revised Code, shall notify the Department of the school's failure. 62437
If the Auditor of State or a public accountant subsequently is 62438
able to complete a financial audit of the school, the Auditor of 62439
State shall notify the Department that the audit has been 62440
completed. 62441

(E) Notwithstanding any provision to the contrary in Chapter 62442
3314. of the Revised Code or any other provision of law, upon 62443
notification by the Auditor of State under division (D) of this 62444
section that a community school has failed to make reasonable 62445
efforts and continuing progress to bring its accounts, records, 62446
files, or reports into an auditable condition following a 62447
declaration that the school is unauditabile, the Department shall 62448
immediately cease all payments to the school under Chapter 3314. 62449
of the Revised Code and any other provision of law. Upon 62450
subsequent notification from the Auditor of State under that 62451
division that the Auditor of State or a public accountant was able 62452
to complete a financial audit of the community school, the 62453
Department shall release all funds withheld from the school under 62454
this section. 62455

Section 269.60.70. Notwithstanding division (B) of section 62456
3317.01 of the Revised Code, no joint vocational school district 62457
shall be denied state payments for fiscal year 2008 because the 62458
school district's career center was open for instruction during 62459
fiscal year 2007 for fewer days than required by sections 3313.48, 62460

3313.481, and 3317.01 of the Revised Code, if the number of days 62461
the career center was closed in the 2006-2007 school year in 62462
excess of the number of days it is permitted to be closed for a 62463
public calamity under division (B) of section 3317.01 of the 62464
Revised Code does not exceed the number of days in May 2007 in 62465
which the district closed the career center due to fire damage and 62466
cancelled instruction to prepare alternate facilities for 62467
instruction. 62468

Section 269.60.80. Not later than October 31, 2007, each 62469
school district, community school established under Chapter 3314. 62470
of the Revised Code, and chartered nonpublic school shall report 62471
to the Department of Education, in a manner prescribed by the 62472
Department, the number of minutes per week and the number of 62473
classes per week of physical education provided to students in 62474
each of grades kindergarten through eight in the 2006-2007 school 62475
year and scheduled to be provided to students in each of those 62476
grades in the 2007-2008 school year. 62477

Section 269.60.90. If a school district erroneously reported 62478
data to the Education Management Information System established 62479
under section 3301.0714 of the Revised Code that showed a zero per 62480
cent graduation rate for the 2005-2006 school year for the 62481
district or any building in the district and the district notified 62482
the Department of Education of the error not later than June 30, 62483
2007, the Department shall allow the district to report a 62484
corrected graduation rate for that school year and shall include 62485
the corrected graduation rate on the August 2007 report card 62486
issued for the district and any affected building under section 62487
3302.03 of the Revised Code. 62488

Section 271.10. ELC OHIO ELECTIONS COMMISSION 62489
General Revenue Fund 62490

GRF 051-321 Operating Expenses	\$	411,623	\$	423,975	62491
TOTAL GRF General Revenue Fund	\$	411,623	\$	423,975	62492
General Services Fund Group					62493
4P2 051-601 Ohio Elections					62494
Commission Fund	\$	255,000	\$	255,000	62495
TOTAL GSF General Services Fund	\$	255,000	\$	255,000	62496
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	666,623	\$	678,975	62497
Section 273.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL					62499
DIRECTORS					62500
General Services Fund Group					62501
4K9 881-609 Operating Expenses	\$	628,641	\$	646,602	62502
TOTAL GSF General Services					62503
Fund Group	\$	628,641	\$	646,602	62504
TOTAL ALL BUDGET FUND GROUPS	\$	628,641	\$	646,602	62505
Section 275.10. PAY EMPLOYEE BENEFITS FUNDS					62507
Accrued Leave Liability Fund Group					62508
806 995-666 Accrued Leave Fund	\$	69,584,560	\$	76,038,787	62509
807 995-667 Disability Fund	\$	40,104,713	\$	39,309,838	62510
TOTAL ALF Accrued Leave Liability					62511
Fund Group	\$	109,689,273	\$	115,348,625	62512
Agency Fund Group					62513
124 995-673 Payroll Deductions	\$	2,125,000,000	\$	2,175,000,000	62514
808 995-668 State Employee Health	\$	499,240,000	\$	550,922,742	62515
Benefit Fund					
809 995-669 Dependent Care	\$	2,969,635	\$	2,969,635	62516
Spending Account					
810 995-670 Life Insurance	\$	2,113,589	\$	2,229,834	62517
Investment Fund					
811 995-671 Parental Leave Benefit	\$	3,994,806	\$	4,234,495	62518

Fund			
813	995-672	Health Care Spending	\$ 12,000,000 \$ 12,000,000 62519
Account			
	TOTAL AGY	Agency Fund Group	\$ 2,645,318,030 \$ 2,747,356,706 62520
	TOTAL ALL BUDGET FUND GROUPS		\$ 2,755,007,303 \$ 2,862,705,331 62521
	ACCRUED LEAVE LIABILITY FUND		62522
	The foregoing appropriation item 995-666, Accrued Leave Fund,		62523
	shall be used to make payments from the Accrued Leave Liability		62524
	Fund (Fund 806), pursuant to section 125.211 of the Revised Code.		62525
	If it is determined by the Director of Budget and Management that		62526
	additional amounts are necessary, the amounts are appropriated.		62527
	STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND		62528
	The foregoing appropriation item 995-667, Disability Fund,		62529
	shall be used to make payments from the State Employee Disability		62530
	Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the		62531
	Revised Code. If it is determined by the Director of Budget and		62532
	Management that additional amounts are necessary, the amounts are		62533
	appropriated.		62534
	PAYROLL WITHHOLDING FUND		62535
	The foregoing appropriation item 995-673, Payroll Deductions,		62536
	shall be used to make payments from the Payroll Withholding Fund		62537
	(Fund 124). If it is determined by the Director of Budget and		62538
	Management that additional appropriation amounts are necessary,		62539
	such amounts are hereby appropriated.		62540
	STATE EMPLOYEE HEALTH BENEFIT FUND		62541
	The foregoing appropriation item 995-668, State Employee		62542
	Health Benefit Fund, shall be used to make payments from the State		62543
	Employee Health Benefit Fund (Fund 808), pursuant to section		62544
	124.87 of the Revised Code. If it is determined by the Director of		62545
	Budget and Management that additional amounts are necessary, the		62546
	amounts are appropriated.		62547

DEPENDENT CARE SPENDING ACCOUNT 62548

The foregoing appropriation item 995-669, Dependent Care 62549
Spending Account, shall be used to make payments from the 62550
Dependent Care Spending Account (Fund 809) to employees eligible 62551
for dependent care expenses. If it is determined by the Director 62552
of Budget and Management that additional amounts are necessary, 62553
the amounts are appropriated. 62554

LIFE INSURANCE INVESTMENT FUND 62555

The foregoing appropriation item 995-670, Life Insurance 62556
Investment Fund, shall be used to make payments from the Life 62557
Insurance Investment Fund (Fund 810) for the costs and expenses of 62558
the state's life insurance benefit program pursuant to section 62559
125.212 of the Revised Code. If it is determined by the Director 62560
of Budget and Management that additional amounts are necessary, 62561
the amounts are appropriated. 62562

PARENTAL LEAVE BENEFIT FUND 62563

The foregoing appropriation item 995-671, Parental Leave 62564
Benefit Fund, shall be used to make payments from the Parental 62565
Leave Benefit Fund (Fund 811) to employees eligible for parental 62566
leave benefits pursuant to section 124.137 of the Revised Code. If 62567
it is determined by the Director of Budget and Management that 62568
additional amounts are necessary, the amounts are appropriated. 62569

HEALTH CARE SPENDING ACCOUNT 62570

There is hereby established in the State Treasury the Health 62571
Care Spending Account Fund (Fund 813). The foregoing appropriation 62572
item 995-672, Health Care Spending Account, shall be used to make 62573
payments from the fund. The fund shall be under the supervision of 62574
the Department of Administrative Services and shall be used to 62575
make payments pursuant to state employees' participation in a 62576
flexible spending account for non-reimbursed health care expenses 62577
and pursuant to Section 125 of the Internal Revenue Code. All 62578

income derived from the investment of the fund shall accrue to the 62579
fund. If it is determined by the Director of Administrative 62580
Services that additional appropriation amounts are necessary, the 62581
Director of Administrative Services may request that the Director 62582
of Budget and Management increase such amounts. Such amounts are 62583
hereby appropriated. 62584

At the request of the Director of Administrative Services, 62585
the Director of Budget and Management shall transfer up to 62586
\$145,000 from the General Revenue Fund to the Health Care Spending 62587
Account Fund during fiscal years 2008 and 2009. This cash shall be 62588
transferred as needed to provide adequate cash flow for the Health 62589
Care Spending Account Fund during fiscal year 2008 and fiscal year 62590
2009. If funds are available at the end of fiscal years 2008 and 62591
2009, the Director of Budget and Management shall transfer cash up 62592
to the amount previously transferred in the respective year, plus 62593
interest income, back from the Health Care Spending Account (Fund 62594
813) to the General Revenue Fund. 62595

Section 277.10. ERB STATE EMPLOYMENT RELATIONS BOARD 62596

General Revenue Fund				62597
GRF 125-321 Operating Expenses	\$	3,218,803	\$ 3,355,602	62598
TOTAL GRF General Revenue Fund	\$	3,218,803	\$ 3,355,602	62599
General Services Fund Group				62600
572 125-603 Training and	\$	75,541	\$ 75,541	62601
Publications				
TOTAL GSF General Services				62602
Fund Group	\$	75,541	\$ 75,541	62603
TOTAL ALL BUDGET FUND GROUPS	\$	3,294,344	\$ 3,431,143	62604

Section 279.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 62606

General Services Fund Group				62607
4K9 892-609 Operating Expenses	\$	1,058,881	\$ 1,058,881	62608

TOTAL GSF General Services				62609
Fund Group	\$	1,058,881	\$ 1,058,881	62610
TOTAL ALL BUDGET FUND GROUPS	\$	1,058,881	\$ 1,058,881	62611
Section 281.10. EPA ENVIRONMENTAL PROTECTION AGENCY				62613
General Services Fund Group				62614
199 715-602 Laboratory Services	\$	1,158,574	\$ 1,173,574	62615
219 715-604 Central Support	\$	16,474,276	\$ 17,000,962	62616
Indirect				
4A1 715-640 Operating Expenses	\$	3,369,731	\$ 3,369,731	62617
TOTAL GSF General Services				62618
Fund Group	\$	21,002,581	\$ 21,544,267	62619
Federal Special Revenue Fund Group				62620
3BU 715-684 Water Quality	\$	6,515,000	\$ 6,310,000	62621
Protection				
3F2 715-630 Revolving Loan Fund -	\$	563,536	\$ 775,600	62622
Operating				
3F3 715-632 Federally Supported	\$	2,550,000	\$ 2,550,000	62623
Cleanup and Response				
3F5 715-641 Nonpoint Source	\$	7,550,000	\$ 7,595,000	62624
Pollution Management				
3K4 715-634 DOD Monitoring and	\$	858,250	\$ 898,825	62625
Oversight				
3N4 715-657 DOE Monitoring and	\$	1,071,678	\$ 1,110,270	62626
Oversight				
3T3 715-669 Drinking Water SRF	\$	2,843,923	\$ 2,977,998	62627
3V7 715-606 Agencywide Grants	\$	500,000	\$ 500,000	62628
353 715-612 Public Water Supply	\$	3,388,619	\$ 3,388,618	62629
354 715-614 Hazardous Waste	\$	4,203,891	\$ 4,203,891	62630
Management - Federal				
357 715-619 Air Pollution Control	\$	6,823,949	\$ 6,823,950	62631
- Federal				

362	715-605	Underground Injection Control - Federal	\$	111,874	\$	111,874	62632
TOTAL FED Federal Special Revenue							
62633							
Fund Group			\$	36,980,720	\$	37,246,026	62634
State Special Revenue Fund Group							
62635							
4J0	715-638	Underground Injection Control	\$	458,418	\$	458,418	62636
4K2	715-648	Clean Air - Non Title V	\$	3,690,821	\$	4,066,558	62637
4K3	715-649	Solid Waste	\$	13,932,845	\$	14,282,845	62638
4K4	715-650	Surface Water Protection	\$	12,685,000	\$	13,815,000	62639
4K5	715-651	Drinking Water Protection	\$	8,169,553	\$	8,867,732	62640
4P5	715-654	Cozart Landfill	\$	149,728	\$	149,728	62641
4R5	715-656	Scrap Tire Management	\$	6,000,000	\$	6,000,000	62642
4R9	715-658	Voluntary Action Program	\$	1,032,098	\$	1,032,098	62643
4T3	715-659	Clean Air - Title V Permit Program	\$	18,924,098	\$	18,833,584	62644
4U7	715-660	Construction & Demolition Debris	\$	881,561	\$	881,561	62645
5BC	715-617	Clean Ohio	\$	741,646	\$	741,646	62646
5BC	715-622	Local Air Pollution Control	\$	1,026,369	\$	1,026,369	62647
5BC	715-624	Surface Water	\$	8,797,413	\$	8,797,413	62648
5BC	715-667	Groundwater	\$	1,093,741	\$	1,093,741	62649
5BC	715-672	Air Pollution Control	\$	5,199,290	\$	5,199,290	62650
5BC	715-673	Drinking Water	\$	2,550,250	\$	2,550,250	62651
5BC	715-675	Hazardous Waste	\$	100,847	\$	100,847	62652
5BC	715-676	Assistance and Prevention	\$	700,302	\$	700,302	62653
5BC	715-677	Laboratory	\$	1,216,333	\$	1,216,333	62654

5BC	715-678	Corrective Actions	\$	1,179,775	\$	1,179,775	62655
5BT	715-679	C&DD Groundwater Monitoring	\$	571,560	\$	693,267	62656
5BY	715-681	Auto Emissions Test	\$	14,817,105	\$	15,057,814	62657
5CD	715-682	Clean Diesel School Buses	\$	600,000	\$	600,000	62658
5DW	715-683	Automotive Mercury Switch Program	\$	60,000	\$	60,000	62659
5H4	715-664	Groundwater Support	\$	2,503,933	\$	2,715,340	62660
5N2	715-613	Dredge and Fill	\$	30,000	\$	30,000	62661
500	715-608	Immediate Removal Special Account	\$	557,257	\$	573,903	62662
503	715-621	Hazardous Waste Facility Management	\$	11,711,473	\$	12,200,240	62663
505	715-623	Hazardous Waste Cleanup	\$	13,333,179	\$	14,147,498	62664
505	715-674	Clean Ohio Environmental Review	\$	109,725	\$	109,725	62665
541	715-670	Site Specific Cleanup	\$	34,650	\$	34,650	62666
542	715-671	Risk Management Reporting	\$	146,188	\$	146,188	62667
592	715-627	Anti Tampering Settlement	\$	9,707	\$	9,707	62668
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	62669
602	715-626	Motor Vehicle Inspection and Maintenance	\$	157,697	\$	128,876	62670
644	715-631	ER Radiological Safety	\$	286,114	\$	286,114	62671
660	715-629	Infectious Waste Management	\$	100,000	\$	100,000	62672
676	715-642	Water Pollution Control Loan	\$	4,964,625	\$	4,964,625	62673

Administration					
678	715-635	Air Toxic Release	\$ 210,622	\$ 210,622	62674
679	715-636	Emergency Planning	\$ 2,628,647	\$ 2,628,647	62675
696	715-643	Air Pollution Control	\$ 750,000	\$ 750,000	62676
Administration					
699	715-644	Water Pollution	\$ 750,000	\$ 750,000	62677
Control Administration					
TOTAL SSR	State Special Revenue		\$ 144,362,570	\$ 148,690,706	62678
Fund Group					
Clean Ohio Revitalization Fund Group					62679
5S1	715-607	Clean Ohio - Operating	\$ 208,174	\$ 208,174	62680
TOTAL CLF	Clean Ohio Revitalization		\$ 208,174	\$ 208,174	62681
Fund Group					
TOTAL ALL BUDGET FUND GROUPS			\$ 202,554,045	\$ 207,689,173	62682
AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT					62683
On the first day of July of each fiscal year or as soon as possible thereafter, the Director of Budget and Management shall transfer \$14,817,105 for use in fiscal year 2008 and \$15,057,814 for use in fiscal year 2009 from the General Revenue Fund (GRF) to the Auto Emissions Test Fund (Fund 5BY).					62684 62685 62686 62687 62688
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.					62689 62690 62691 62692 62693 62694 62695 62696 62697
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					62698 62699 62700

where the E-Check program is operated or (2) to pay for more than 62701
one passing or three total free tests for any vehicle in a 62702
three-hundred-sixty-five-day period. When state funds may not be 62703
used to pay for testing costs, the cost of testing and retesting 62704
paid by an individual or a business for any vehicle shall cover 62705
the cost of the test. Testing and other fees charged by the 62706
contractor shall be submitted to and approved by the Director of 62707
Environmental Protection. 62708

WATER QUALITY PROTECTION FUND 62709

On July 1, 2007, or as soon thereafter as possible, the 62710
Director of Environmental Protection shall certify to the Director 62711
of Budget and Management the cash balance in Fund 3F4, Water 62712
Quality Management. The Director of Budget and Management shall 62713
transfer the amount certified from Fund 3F4 to Fund 3BU, Water 62714
Quality Protection. Any existing encumbrances in appropriation 62715
item 715-633, Water Quality Management (Fund 3F4), shall be 62716
cancelled and re-established against appropriation item 715-684, 62717
Water Quality Protection (Fund 3BU). The amounts of the 62718
re-established encumbrances are hereby appropriated, and Fund 3F4 62719
is abolished. 62720

On July 1, 2007, or as soon thereafter as possible, the 62721
Director of Environmental Protection shall certify to the Director 62722
of Budget and Management the cash balance in Fund 3J1, Urban 62723
Stormwater. The Director of Budget and Management shall transfer 62724
the amount certified from Fund 3J1 to Fund 3BU, Water Quality 62725
Protection. Any existing encumbrances in appropriation item 62726
715-620, Urban Stormwater (Fund 3J1), shall be cancelled and 62727
re-established against appropriation item 715-684, Water Quality 62728
Protection (Fund 3BU). The amounts of the re-established 62729
encumbrances are hereby appropriated, and Fund 3J1 is abolished. 62730

On July 1, 2007, or as soon thereafter as possible, the 62731
Director of Environmental Protection shall certify to the Director 62732

of Budget and Management the cash balance in Fund 3J5, Maumee 62733
River. The Director of Budget and Management shall transfer the 62734
amount certified from Fund 3J5 to Fund 3BU, Water Quality 62735
Protection. Any existing encumbrances in appropriation item 62736
715-615, Maumee River (Fund 3J5), shall be cancelled and 62737
re-established against appropriation item 715-684, Water Quality 62738
Protection (Fund 3BU). The amounts of the re-established 62739
encumbrances are hereby appropriated, and Fund 3J5 is abolished. 62740

On July 1, 2007, or as soon thereafter as possible, the 62741
Director of Environmental Protection shall certify to the Director 62742
of Budget and Management the cash balance in Fund 3K2, Clean Water 62743
Act 106 (Fund 3K2). The Director of Budget and Management shall 62744
transfer the amount certified from Fund 3K2 to Fund 3BU, Water 62745
Quality Protection. Any existing encumbrances in appropriation 62746
item 715-628, Clean Water Act 106, shall be cancelled and 62747
re-established against appropriation item 715-684, Water Quality 62748
Protection (Fund 3BU). The amounts of the re-established 62749
encumbrances are hereby appropriated, and Fund 3K2 is abolished. 62750

On July 1, 2007, or as soon thereafter as possible, the 62751
Director of Environmental Protection shall certify to the Director 62752
of Budget and Management the cash balance in Fund 3K6, Remedial 62753
Action Plan. The Director of Budget and Management shall transfer 62754
the amount certified from Fund 3K6 to Fund 3BU, Water Quality 62755
Protection. Any existing encumbrances in appropriation item 62756
715-639, Remedial Action Plan (Fund 3K6), shall be cancelled and 62757
re-established against appropriation item 715-684, Water Quality 62758
Protection (Fund 3BU). The amounts of the re-established 62759
encumbrances are hereby appropriated, and Fund 3K6 is abolished. 62760

On July 1, 2007, or as soon thereafter as possible, the 62761
Director of Environmental Protection shall certify to the Director 62762
of Budget and Management the cash balance in Fund 352, Wastewater 62763
Pollution. The Director of Budget and Management shall transfer 62764

the amount certified from Fund 352 to Fund 3BU, Water Quality 62765
Protection. Any existing encumbrances in appropriation item 62766
715-611, Wastewater Pollution (Fund 352), shall be cancelled and 62767
re-established against appropriation item 715-684, Water Quality 62768
Protection (Fund 3BU). The amounts of the re-established 62769
encumbrances are hereby appropriated, and Fund 352 is abolished. 62770

On July 1, 2007, or as soon thereafter as possible, the 62771
Director of Environmental Protection shall certify to the Director 62772
of Budget and Management the cash balance in Fund 358, 205-J 62773
Federal Planning. The Director of Budget and Management shall 62774
transfer the amount certified from Fund 358 to Fund 3BU, Water 62775
Quality Protection. Any existing encumbrances in appropriation 62776
item 715-625, 205-J Federal Planning (Fund 358), shall be 62777
cancelled and re-established against appropriation item 715-684, 62778
Water Quality Protection (Fund 3BU). The amounts of the 62779
re-established encumbrances are hereby appropriated, and Fund 358 62780
is abolished. 62781

AREAWIDE PLANNING AGENCIES 62782

The Director of the Environmental Protection Agency shall use 62783
the foregoing appropriation item 715-624, Surface Water, to 62784
contract with areawide planning agencies in an amount not to 62785
exceed \$75,000 per agency per fiscal year for areawide water 62786
quality management and planning activities in accordance with 62787
Section 208 of the Federal Clean Water Act, 33 U.S.C. 1288. 62788

CASH TRANSFER FOR AUTOMOTIVE MERCURY SWITCH PROGRAM 62789

Upon the request of the Director of Environmental Protection, 62790
the Director of Budget and Management shall transfer up to \$60,000 62791
in cash from the Environmental Protection Fund (Fund 5BC) to the 62792
Automotive Mercury Switch Program Fund (Fund 5DW), in each year of 62793
the fiscal years 2008-2009 biennium. 62794

Section 283.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION				62795
General Revenue Fund				62796
GRF 172-321	Operating Expenses	\$ 483,859	\$ 487,000	62797
TOTAL GRF General Revenue Fund				62798
TOTAL ALL BUDGET FUND GROUPS				62799
 Section 285.10. ETC ETECH OHIO				62801
General Revenue Fund				62802
GRF 935-321	Operations	\$ 6,830,918	\$ 6,830,921	62803
GRF 935-401	Statehouse News Bureau	\$ 244,400	\$ 244,400	62804
GRF 935-402	Ohio Government	\$ 716,417	\$ 716,417	62805
Telecommunications				
Services				
GRF 935-403	Technical Operations	\$ 3,597,390	\$ 3,597,389	62806
GRF 935-404	Telecommunications	\$ 3,632,413	\$ 3,632,413	62807
Operating Subsidy				
GRF 935-406	Technical and	\$ 7,285,351	\$ 7,272,351	62808
Instructional				
Professional				
Development				
GRF 935-539	Educational Technology	\$ 4,139,551	\$ 4,139,551	62809
TOTAL GRF General Revenue Fund				62810
General Services Fund Group				62811
4F3 935-603	Affiliate Services	\$ 1,000,000	\$ 1,000,000	62812
4T2 935-605	Government	\$ 25,000	\$ 25,000	62813
Television/Telecommunications				
Operating				
5D4 935-640	Conference/Special	\$ 1,821,817	\$ 1,821,817	62814
Purposes				
TOTAL GSF General Services Fund				62815
Group				

Federal Special Revenue Fund Group				62816
3S3 935-606 Enhancing Education	\$	589,363	\$ 589,363	62817
Technology				
TOTAL FED Federal Special Revenue	\$	589,363	\$ 589,363	62818
Fund Group				
State Special Revenue Fund Group				62819
4W9 935-630 Telecommunity	\$	25,000	\$ 25,000	62820
4X1 935-634 Distance Learning	\$	50,000	\$ 50,000	62821
5T3 935-607 Gates Foundation	\$	200,000	\$ 200,000	62822
Grants				
TOTAL SSR State Special Revenue	\$	275,000	\$ 275,000	62823
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	30,157,620	\$ 30,144,622	62824

Section 285.30. TELECOMMUNICATIONS 62826

STATEHOUSE NEWS BUREAU 62827

The foregoing appropriation item 935-401, Statehouse News 62828
 Bureau, shall be used solely to support the operations of the Ohio 62829
 Statehouse News Bureau. 62830

OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO 62831

The foregoing appropriation item 935-402, Ohio Government 62832
 Telecommunications Services, shall be used solely to support the 62833
 operations of Ohio Government Telecommunications Services. 62834

TECHNICAL OPERATIONS 62835

The foregoing appropriation item 935-403, Technical 62836
 Operations, shall be used by eTech Ohio to pay expenses of eTech 62837
 Ohio's network infrastructure, which includes the television and 62838
 radio transmission infrastructure and infrastructure that shall 62839
 link all public K-12 classrooms to each other and the Internet, 62840
 and provide access to voice, video, and data educational resources 62841
 for students and teachers. 62842

TELECOMMUNICATIONS OPERATING SUBSIDY 62843

Of the foregoing appropriation item 935-404, 62844
Telecommunications Operating Subsidy, \$45,000 in each fiscal year 62845
shall be used to contract for dial-up newspaper reading services 62846
for the blind and physically handicapped. The contract shall be 62847
awarded subject to Controlling Board approval, through a 62848
competitive bidding process. 62849

The remainder of appropriation item 935-404, 62850
Telecommunications Operating Subsidy, shall be distributed by 62851
eTech Ohio to Ohio's qualified public educational television 62852
stations, radio reading services, and educational radio stations 62853
to support their operations. The funds shall be distributed 62854
pursuant to an allocation formula used by the Ohio Educational 62855
Telecommunications Network Commission unless and until a 62856
substitute formula is developed by eTech Ohio in consultation with 62857
Ohio's qualified public educational television stations, radio 62858
reading services, and educational radio stations. 62859

Section 285.40. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL 62860
DEVELOPMENT 62861

The foregoing appropriation item 935-406, Technical and 62862
Instructional Professional Development, shall be used by eTech 62863
Ohio to make grants or provide services to qualifying public 62864
schools, including the State School for the Blind, the State 62865
School for the Deaf, and the Department of Youth Services, for the 62866
provision of hardware, software, telecommunications services, and 62867
staff development to support educational uses of technology in the 62868
classroom. 62869

Of the foregoing appropriation item 935-406, Technical and 62870
Instructional Professional Development, up to \$1,000,000 in each 62871
fiscal year shall be used to implement and support the Ohio 62872
Students Choosing On-line Resources for Educational Success (Ohio 62873

SCORES) initiative that increases the educational options 62874
available to students in mathematics, advanced laboratory-based 62875
science, and foreign language. eTech Ohio shall work 62876
collaboratively with the Department of Education and the Board of 62877
Regents on this initiative. 62878

Of the foregoing appropriation item 935-406, Technical and 62879
Instructional Professional Development, up to \$200,000 in each 62880
fiscal year shall be used by eTech Ohio to provide competitive 62881
professional development grants to school districts. Grant 62882
proposals shall focus on developing innovative programs that 62883
enhance the abilities of teachers to use innovative methods for 62884
integrating technology to implement state academic content 62885
standards in classroom lessons. Grant requirements and awards 62886
shall be approved by eTech Ohio, with priority given to school 62887
districts designated in academic emergency, academic watch, or 62888
continuous improvement. eTech Ohio shall develop a web site to 62889
share information learned through these programs with school 62890
districts statewide. The web site shall be linked with the Ohio 62891
Department of Education's Instructional Management System. 62892

Of the foregoing appropriation item 935-406, Technical and 62893
Instructional Professional Development, up to \$1,260,000 in each 62894
fiscal year shall be allocated equally among the 12 Ohio 62895
educational television stations and used with the advice and 62896
approval of eTech Ohio. Funds shall be used for the production of 62897
interactive instructional programming series with priority given 62898
to resources aligned with state academic content standards in 62899
consultation with the Ohio Department of Education and for 62900
teleconferences to support eTech Ohio. The programming shall be 62901
targeted to the needs of the poorest two hundred school districts 62902
as determined by the district's adjusted valuation per pupil as 62903
defined in former section 3317.0213 of the Revised Code as that 62904
section existed prior to June 30, 2005. 62905

The remainder of appropriation item 935-406, Technical and Instructional Professional Development, shall be used by eTech Ohio for professional development for teachers and administrators for the use of educational technology. eTech Ohio may make grants to provide technical assistance and professional development on the use of educational technology to school districts.

Eligible recipients of grants include regional training centers, educational service centers, information technology centers, educational technology centers, institutions of higher education, public television stations, special education resource centers, area media centers, or other nonprofit educational organizations. In addition, services provided through these grants may include use of private entities subcontracting through the grant recipient.

Grants shall be made to entities on a contractual basis with eTech Ohio. Contracts shall include provisions that demonstrate how services will benefit technology use in the public schools, and in particular how services will support eTech Ohio's efforts to integrate technology in the public schools. Contracts shall specify the scope of assistance being offered and the potential number of professionals who will be served. Contracting entities may be awarded more than one grant at a time. Grants shall be awarded in a manner consistent with the goals and priorities of eTech Ohio. Special emphasis in the award of grants shall be placed on collaborative efforts among service providers.

Application for grants from appropriation item 935-406, Technical and Instructional Professional Development, shall be consistent with a school district's technology plan that shall meet the minimum specifications for school district technology plans as prescribed by eTech Ohio. Funds allocated through these grants may be combined with funds received through other state or federal grants for technology so long as the school district's

technology plan specifies the use of these funds. 62938

Section 285.50. EDUCATIONAL TECHNOLOGY 62939

The foregoing appropriation item 935-539, Educational 62940
Technology, shall be used to provide funding to suppliers of 62941
information services to school districts for the provision of 62942
hardware, software, and staff development in support of 62943
educational uses of technology in the classroom as prescribed by 62944
the State Plan for Technology pursuant to section 3301.07 of the 62945
Revised Code, and to support assistive technology for children and 62946
youth with disabilities. 62947

Of the foregoing appropriation item 935-539, Education 62948
Technology, up to \$4,139,551 in each fiscal year shall be used by 62949
eTech Ohio to contract with educational television to provide Ohio 62950
public schools with instructional resources and services with 62951
priority given to resources and services aligned with state 62952
academic content standards and such resources and services shall 62953
be based upon the advice and approval of eTech Ohio, based on a 62954
formula used by the Ohio SchoolNet Commission unless and until a 62955
substitute formula is developed by eTech Ohio in consultation with 62956
Ohio's educational technology agencies and noncommercial 62957
educational television stations. 62958

Resources may include, but not be limited to, the following: 62959
prerecorded video materials (including videotape, laser discs, and 62960
CD-ROM discs); computer software for student use or student access 62961
to electronic communication, databases, spreadsheet, and word 62962
processing capability; live student courses or courses delivered 62963
electronically; automated media systems; and instructional and 62964
professional development materials for teachers. eTech Ohio shall 62965
collaborate with public television stations and cooperate with 62966
education technology agencies in the acquisition, development, and 62967
delivery of these educational resources to ensure high-quality and 62968

educational soundness at the lowest possible cost. Delivery of 62969
these resources may utilize a variety of technologies, with a 62970
preference given to a high speed integrated information network 62971
that can transport video, voice, data, and graphics 62972
simultaneously. 62973

Services shall include presentations and technical assistance 62974
that will help students and teachers integrate educational 62975
materials that support curriculum objectives, match specific 62976
learning styles, and are appropriate for individual interests and 62977
ability levels. 62978

The instructional resources and services shall be made 62979
available for purchase by chartered nonpublic schools or by school 62980
districts for the benefit of pupils attending chartered nonpublic 62981
schools. 62982

eTech Ohio shall monitor the developments of technology, 62983
coordinate with the Office of Information Technology, and assure 62984
the most effective and highest quality operation of eTech Ohio 62985
networks. All efforts may be aligned with the State's ongoing 62986
efforts to coordinate appropriate network operations through the 62987
Office of Information Technology and through the Third Frontier 62988
Network. 62989

Section 285.60. TELECOMMUNITY 62990

The foregoing appropriation item 935-630, Telecommunity, 62991
shall be distributed by eTech Ohio on a grant basis to eligible 62992
school districts to establish "distance learning" through 62993
interactive video technologies in the school district. Per 62994
agreements with eight Ohio local telephone companies ALLTEL Ohio, 62995
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 62996
Cincinnati Bell Telephone Company, Orwell Telephone Company, 62997
Sprint North Central Telephone, VERIZON, and Western Reserve 62998
Telephone Company, school districts are eligible for funds if they 62999

are within one of the listed telephone company service areas. 63000
Funds to administer the program shall be expended by eTech Ohio up 63001
to the amount specified in agreements with the listed telephone 63002
companies. 63003

Within thirty days after the effective date of this section, 63004
the Director of Budget and Management shall transfer to Fund 4W9 63005
in the State Special Revenue Fund Group any investment earnings 63006
from moneys paid by any telephone company as part of any 63007
settlement agreement between the listed companies and the Public 63008
Utilities Commission in fiscal years 1996 and beyond. 63009

DISTANCE LEARNING 63010

The foregoing appropriation item 935-634, Distance Learning, 63011
shall be distributed by eTech Ohio on a grant basis to eligible 63012
school districts to establish "distance learning" in the school 63013
district. Per the agreement with Ameritech, school districts are 63014
eligible for funds if they are within an Ameritech service area. 63015
Funds to administer the program shall be expended by eTech Ohio up 63016
to the amount specified in the agreement with Ameritech. 63017

Within thirty days after the effective date of this section, 63018
the Director of Budget and Management shall transfer to Fund 4X1 63019
in the State Special Revenue Fund Group any investment earnings 63020
from moneys paid by any telephone company as part of a settlement 63021
agreement between the company and the Public Utilities Commission 63022
in fiscal year 1995. 63023

GATES FOUNDATION GRANTS 63024

The foregoing appropriation item 935-607, Gates Foundation 63025
Grants, shall be used by eTech Ohio to provide professional 63026
development to school district principals, superintendents, and 63027
other administrative staff for the use of education technology. 63028

Section 287.10. ETH OHIO ETHICS COMMISSION 63029

General Revenue Fund				63030
GRF 146-321 Operating Expenses	\$	1,863,028	\$ 1,967,275	63031
TOTAL GRF General Revenue Fund	\$	1,863,028	\$ 1,967,275	63032
General Services Fund Group				63033
4M6 146-601 Operating Expenses	\$	527,543	\$ 477,543	63034
TOTAL GSF General Services				63035
Fund Group	\$	527,543	\$ 477,543	63036
TOTAL ALL BUDGET FUND GROUPS	\$	2,390,571	\$ 2,444,818	63037

Section 289.10. EXP OHIO EXPOSITIONS COMMISSION 63039

General Revenue Fund				63040
GRF 723-403 Junior Fair Subsidy	\$	400,000	\$ 400,000	63041
TOTAL GRF General Revenue Fund	\$	400,000	\$ 400,000	63042
State Special Revenue Fund Group				63043
4N2 723-602 Ohio State Fair	\$	520,000	\$ 520,000	63044
Harness Racing				
506 723-601 Operating Expenses	\$	13,643,315	\$ 13,643,315	63045
640 723-603 State Fair Reserve	\$	125,337	\$ 0	63046
TOTAL SSR State Special Revenue				63047
Fund Group	\$	14,288,652	\$ 14,163,315	63048
TOTAL ALL BUDGET FUND GROUPS	\$	14,688,652	\$ 14,563,315	63049

STATE FAIR RESERVE 63050

The foregoing appropriation item 723-603, State Fair Reserve, 63051
shall serve as a budget reserve fund for the Ohio Expositions 63052
Commission in the event of a significant decline in attendance 63053
because of inclement weather or extraordinary circumstances during 63054
the Ohio State Fair resulting in a loss of revenue. The State Fair 63055
Reserve Fund (Fund 640) may be used by the Ohio Expositions 63056
Commission to pay bills resulting from the Ohio State Fair only if 63057
all the following criteria are met: 63058

(A) Admission revenues for the 2007 Ohio State Fair are less 63059

than \$2,025,000 or the admission revenues for the 2008 Ohio State Fair are less than \$2,065,000 because of inclement weather or extraordinary circumstances. These amounts are ninety per cent of the projected revenues for each year.

(B) The Ohio Expositions Commission declares a state of fiscal exigency and requests release of funds from the Director of Budget and Management.

(C) The Director of Budget and Management releases the funds. The Director of Budget and Management may approve or disapprove the request for release of funds, may increase or decrease the amount of release, and may place conditions as the Director considers necessary on the use of the released funds. The Director of Budget and Management may transfer the appropriation from fiscal year 2008 to fiscal year 2009 as needed.

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 63085

General Revenue Fund 63086

GRF 040-321 Operating Expenses \$ 3,754,045 \$ 3,754,045 63087

GRF 040-403 Federal Relations \$ 435,443 \$ 435,443 63088

GRF 040-408 Office of Veterans' \$ 287,000 \$ 298,000 63089

Affairs

TOTAL GRF General Revenue Fund	\$	4,476,488	\$	4,487,488	63090
General Services Fund Group					63091
5AK 040-607 Federal Relations	\$	365,149	\$	365,149	63092
TOTAL GSF General Services Fund Group	\$	365,149	\$	365,149	63093
TOTAL ALL BUDGET FUND GROUPS	\$	4,841,637	\$	4,852,637	63094

APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR 63095

The Governor may expend a portion of the foregoing 63096
 appropriation item 040-321, Operating Expenses, to hire or appoint 63097
 legal counsel to be used in proceedings involving the Governor in 63098
 the Governor's official capacity or the Governor's office only, 63099
 without the approval of the Attorney General, notwithstanding 63100
 sections 109.02 and 109.07 of the Revised Code. 63101

FEDERAL RELATIONS 63102

A portion of the foregoing appropriation items 040-403, 63103
 Federal Relations, and 040-607, Federal Relations, may be used to 63104
 support Ohio's membership in national or regional associations. 63105

The Office of the Governor may charge any state agency of the 63106
 executive branch using an intrastate transfer voucher such amounts 63107
 necessary to defray the costs incurred for the conduct of federal 63108
 relations associated with issues that can be attributed to the 63109
 agency. Amounts collected shall be deposited to the Office of the 63110
 Governor Federal Relations Fund (Fund 5AK). 63111

Section 293.10. DOH DEPARTMENT OF HEALTH 63112

General Revenue Fund					63113
GRF 440-407 Animal Borne Disease and Prevention	\$	2,327,101	\$	2,327,101	63114
GRF 440-412 Cancer Incidence Surveillance System	\$	1,002,619	\$	1,002,619	63115

GRF 440-413	Local Health	\$	3,786,794	\$	3,786,794	63116
	Department Support					
GRF 440-416	Child and Family	\$	9,547,874	\$	9,647,874	63117
	Health Services					
GRF 440-418	Immunizations	\$	9,400,615	\$	9,400,615	63118
GRF 440-431	Free Clinic Liability	\$	250,000	\$	250,000	63119
	Insurance					
GRF 440-437	Healthy Ohio	\$	1,502,618	\$	2,855,553	63120
GRF 440-444	AIDS Prevention and	\$	7,158,127	\$	7,158,127	63121
	Treatment					
GRF 440-446	Infectious Disease	\$	200,000	\$	200,000	63122
	Prevention					
GRF 440-451	Lab and Public Health	\$	6,085,250	\$	6,085,250	63123
	Prevention Programs					
GRF 440-452	Child and Family	\$	1,024,017	\$	1,024,017	63124
	Health Services Match					
GRF 440-453	Health Care Quality	\$	10,253,728	\$	10,253,728	63125
	Assurance					
GRF 440-454	Local Environmental	\$	889,752	\$	889,752	63126
	Health					
GRF 440-459	Help Me Grow	\$	10,923,397	\$	14,041,847	63127
GRF 440-505	Medically Handicapped	\$	10,791,784	\$	10,791,784	63128
	Children					
GRF 440-507	Targeted Health Care	\$	1,681,023	\$	1,681,023	63129
	Services Over 21					
GRF 440-511	Uncompensated Care and	\$	0	\$	3,500,000	63130
	Emergency Medical					
	Assistance					
GRF 440-XXX	Abstinence Education	\$	500,000	\$	500,000	63131
TOTAL GRF	General Revenue Fund	\$	77,324,699	\$	85,396,084	63132
	General Services Fund Group					63133
142 440-646	Agency Health Services	\$	3,461,915	\$	3,461,915	63134
211 440-613	Central Support	\$	28,884,707	\$	28,884,707	63135

		Indirect Costs				
473	440-622	Lab Operating Expenses	\$	4,954,045	\$	4,954,045 63136
683	440-633	Employee Assistance	\$	1,208,214	\$	1,208,214 63137
		Program				
698	440-634	Nurse Aide Training	\$	170,000	\$	170,000 63138
		TOTAL GSF General Services				63139
		Fund Group	\$	38,678,881	\$	38,678,881 63140
		Federal Special Revenue Fund Group				63141
320	440-601	Maternal Child Health	\$	30,666,635	\$	30,666,635 63142
		Block Grant				
387	440-602	Preventive Health	\$	7,826,659	\$	7,826,659 63143
		Block Grant				
389	440-604	Women, Infants, and	\$	230,077,451	\$	230,077,451 63144
		Children				
391	440-606	Medicaid/Medicare	\$	24,850,959	\$	24,850,959 63145
392	440-618	Federal Public Health	\$	136,778,215	\$	136,778,215 63146
		Programs				
		TOTAL FED Federal Special Revenue				63147
		Fund Group	\$	430,199,919	\$	430,199,919 63148
		State Special Revenue Fund Group				63149
4D6	440-608	Genetics Services	\$	3,317,000	\$	3,317,000 63150
4F9	440-610	Sickle Cell Disease	\$	1,035,344	\$	1,035,344 63151
		Control				
4G0	440-636	Heirloom Birth	\$	5,000	\$	5,000 63152
		Certificate				
4G0	440-637	Birth Certificate	\$	5,000	\$	5,000 63153
		Surcharge				
4L3	440-609	Miscellaneous Expenses	\$	446,468	\$	446,468 63154
4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894 63155
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994 63156
470	440-647	Fee Supported Programs	\$	27,946,243	\$	25,905,140 63157
471	440-619	Certificate of Need	\$	869,000	\$	898,000 63158

477	440-627	Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	63159
5B5	440-616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	63160
5CB	440-640	Poison Control Centers	\$	150,000	\$	150,000	63161
5CN	440-645	Choose Life	\$	75,000	\$	75,000	63162
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	63163
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	63164
5EC	440-650	Health Emergency	\$	15,312,500	\$	0	63165
5ED	440-651	Smoke Free Indoor Air	\$	800,000	\$	800,000	63166
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	63167
5L1	440-623	Nursing Facility Technical Assistance Program	\$	664,282	\$	698,595	63168
610	440-626	Radiation Emergency Response	\$	850,000	\$	850,000	63169
666	440-607	Medically Handicapped Children - County Assessments	\$	14,320,687	\$	14,320,687	63170
TOTAL SSR State Special Revenue							63171
Fund Group			\$	74,860,263	\$	57,569,973	63172
Holding Account Redistribution Fund Group							63173
R14	440-631	Vital Statistics	\$	70,000	\$	70,000	63174
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	63175
TOTAL 090 Holding Account							63176
Redistribution Fund Group			\$	90,000	\$	90,000	63177
TOTAL ALL BUDGET FUND GROUPS			\$	621,153,762	\$	611,934,857	63178

Section 293.20. CHILD AND FAMILY HEALTH SERVICES 63180

Of the foregoing appropriation item 440-416, Child and Family 63181

Health Services, not more than \$1,700,000 in each fiscal year 63182
shall be used for women's health services. 63183

Of the foregoing appropriation item 440-416, Child and Family 63184
Health Services, not more than \$270,000 shall be used in each 63185
fiscal year for the OPTIONS dental care access program. 63186

Of the foregoing appropriation item 440-416, Child and Family 63187
Health Services, \$1,900,000 in fiscal year 2008 and \$2,150,000 in 63188
fiscal year 2009 shall be used by federally qualified health 63189
centers and federally designated look-alikes to provide services 63190
to uninsured low-income persons. 63191

Of the foregoing appropriation item 440-416, Child and Family 63192
Health Services, \$10,000 in each fiscal year shall be allocated to 63193
the Jewish Family Services in Cleveland, \$10,000 in each fiscal 63194
year shall be allocated to the Jewish Family Services in 63195
Cincinnati, \$10,000 shall be allocated in each fiscal year to the 63196
Jewish Family Services in Columbus, and \$10,000 in each fiscal 63197
year shall be allocated to the Wexner Heritage Village in Columbus 63198
for interpreters for health care. 63199

Of the foregoing appropriation item 440-416, Child and Family 63200
Health Services, \$10,000 in each fiscal year shall be provided to 63201
the Jewish Family Services in Dayton, \$5,000 in each fiscal year 63202
shall be provided to the Jewish Community Center in Akron, \$5,000 63203
in each fiscal year shall be provided to the Jewish Community 63204
Center in Sylvania, \$2,500 in each fiscal year shall be provided 63205
to the Jewish Community Center in Youngstown, and \$2,500 in each 63206
fiscal year shall be provided to the Jewish Community Center in 63207
Canton. 63208

Of the foregoing appropriation item 440-416, Child and Family 63209
Health Services, \$16,667 in each fiscal year shall be allocated to 63210
the Yassenoff Jewish Community Center, \$16,667 in each fiscal year 63211
shall be allocated to the Jewish Community Center in Cincinnati, 63212

and \$16,666 in each fiscal year shall be allocated to the Jewish 63213
Community Center in Cleveland for children's health and nutrition 63214
camp programs. 63215

Of the foregoing appropriation item 440-416, Child and Family 63216
Health Services, \$16,666 in each fiscal year shall be allocated to 63217
the Athens Community Center. 63218

Of the foregoing appropriation item 400-416, Child and Family 63219
Health Services, \$25,000 in each fiscal year shall be allocated to 63220
the Wellness Community of Greater Columbus to provide support 63221
services for people with cancer, their families, and caregivers. 63222

Of the foregoing appropriation item 440-416, Child and Family 63223
Health Services, \$100,000 in each fiscal year shall be allocated 63224
to the Compdrug Teen Dating Violence Prevention Project in 63225
Franklin County. 63226

Of the foregoing appropriation item, 440-416, Child and 63227
Family Health Services, \$2,500,000 in each fiscal year shall be 63228
used for education, prevention, and screenings for breast and 63229
cervical cancer. 63230

Of the foregoing appropriation item 440-416, Child and Family 63231
Health Services, \$25,000 in each fiscal year shall be allocated to 63232
Making Connections, which is a nonprofit organization that 63233
provides free treatment for orthodontic conditions, facial scars, 63234
or other blemishes to low-income children. The funds shall be used 63235
by Making Connections to perform a study of the program's 63236
potential for implementation in the major urban centers of Ohio. 63237

Section 293.25. COLLEGE PREGNANCY AND PARENTING OFFICES PILOT 63238
PROGRAM 63239

(A) As used in this section, "institution of higher 63240
education" means a public or private university or college in this 63241
state, including a community college or state community college. 63242

(B) The Director of Health shall conduct a pilot program in 63243
fiscal year 2009 for the purpose of awarding grants to up to four 63244
institutions of higher education to establish and operate on a 63245
selected institution's campus an office that provides support to 63246
students who are pregnant or who are the parents or legal 63247
guardians of one or more minors. Planning for the pilot program 63248
shall commence in fiscal year 2008. 63249

(C) An institution of higher education may apply for a grant 63250
by completing and submitting an application form supplied by the 63251
Director. The Director may require the institution to submit 63252
additional information after the Director has reviewed the 63253
application. 63254

(D) Before awarding a grant, the Director shall secure a 63255
written agreement in which the proposed grantee commits to doing 63256
all of the following: 63257

(1) Locating the office described in division (B) of this 63258
section on the campus of the institution. 63259

(2) Assessing the institution's performance in both of the 63260
following areas: 63261

(a) Offering health insurance plans to students that include 63262
coverage for prenatal and postpartum care and riders for the 63263
coverage of additional family members; 63264

(b) Providing services or items that meet the needs of 63265
students who are pregnant or who are the parents or legal 63266
guardians of one or more minors, including family housing, child 63267
care, flexible or alternative academic scheduling, education 63268
concerning responsible parenting and healthy marriages, maternity 63269
and infant clothing, formula and baby food, and baby furniture. 63270

(3) Identifying and establishing programs with public and 63271
private service providers located on campus and in the local 63272
community that are qualified to meet the needs described in 63273

division (D)(2)(b) of this section. 63274

(4) Assisting students in locating and obtaining services 63275
that meet the needs described in division (D)(2)(b) of this 63276
section. 63277

(5) Providing, on the request of an individual student, 63278
referrals for prenatal care and delivery, infant or foster care, 63279
or adoption. The office shall make referrals only to persons or 63280
governmental entities that primarily serve parents, prospective 63281
parents awaiting adoption, pregnant women who plan to parent or 63282
place a child for adoption, or married couples or couples that 63283
plan on marrying in order to provide a supportive environment for 63284
each other and one or more minors. 63285

(6) Providing, by a date determined by the Director, a 63286
written report to the Director that itemizes the office's 63287
expenditures during the fiscal year and meets the format or form 63288
established by the Director under division (E) of this section. 63289

(7) Providing, after the Director's review of the report 63290
described in division (D)(6) of this section, any additional 63291
information requested by the Director. 63292

(E) The Director shall establish a format or form for the 63293
written report that must be provided by an institution under 63294
division (D)(6) of this section. In establishing the format or 63295
form, the Director shall identify specific performance criteria 63296
the institution must address in the report. 63297

(F) The Director may adopt any rules necessary to implement 63298
this section. The rules shall be adopted in accordance with 63299
Chapter 119. of the Revised Code. 63300

(G) Of the foregoing appropriation item 440-416, Child and 63301
Family Health Services, \$50,000 in fiscal year 2009 shall be used 63302
to make grants for the pilot program described in this section. 63303

Section 293.30. HEALTHY OHIO 63304

The Department of Health may use appropriation item 440-437, 63305
Healthy Ohio, to complete an inventory of prevention and 63306
intervention programs so that it may better target funding to 63307
programs to decrease disparities. 63308

HIV/AIDS PREVENTION/TREATMENT 63309

Of the foregoing appropriation item 440-444, AIDS Prevention 63310
and Treatment, not more than \$6.7 million in each fiscal year 63311
shall be used to assist persons with HIV/AIDS in acquiring 63312
HIV-related medications. 63313

INFECTIOUS DISEASE PREVENTION 63314

The foregoing appropriation item 440-446, Infectious Disease 63315
Prevention, shall be used for the purchase of drugs for sexually 63316
transmitted diseases. 63317

HELP ME GROW 63318

Of the foregoing appropriation item 440-459, Help Me Grow, 63319
\$10,423,397 in fiscal year 2008 and \$13,741,847 in fiscal year 63320
2009 shall be used by the Department of Health to distribute 63321
subsidies to counties to implement the Help Me Grow Program. 63322
Appropriation item 440-459, Help Me Grow, may be used in 63323
conjunction with Temporary Assistance for Needy Families from the 63324
Department of Job and Family Services, Early Intervention funding 63325
from the Department of Mental Retardation and Developmental 63326
Disabilities, and in conjunction with other early childhood funds 63327
and services to promote the optimal development of young children. 63328
Local contracts shall be developed between local departments of 63329
job and family services and family and children first councils for 63330
the administration of TANF funding for the Help Me Grow Program. 63331
The Department of Health shall enter into an interagency agreement 63332
with the Department of Education, Department of Mental Retardation 63333

and Developmental Disabilities, Department of Job and Family 63334
Services, and Department of Mental Health to ensure that all early 63335
childhood programs and initiatives are coordinated and school 63336
linked. 63337

Of the foregoing appropriation item 440-459, Help Me Grow, 63338
\$500,000 in fiscal year 2008 and \$300,000 in fiscal year 2009 63339
shall be used for the establishment of the Autism Diagnosis 63340
Education Pilot Program. Not later than December 31, 2008, the 63341
Director of Health shall compile and submit to the Governor and 63342
the General Assembly a written report describing the action taken 63343
under the Autism Diagnosis Education Pilot Program since the 63344
effective date of this section. Not later than December 31, 2009, 63345
the Director shall compile and submit to the Governor and the 63346
General Assembly a written report describing the action taken 63347
under the Pilot Program since December 31, 2008. 63348

TARGETED HEALTH CARE SERVICES OVER 21 63349

In each fiscal year, of the foregoing appropriation item 63350
440-507, Targeted Health Care Services Over 21, \$731,023 shall be 63351
used to administer the cystic fibrosis program and implement the 63352
Hemophilia Insurance Premium Payment Program. These funds also may 63353
be used, to the extent that funding is available, to provide up to 63354
18 in-patient hospital days for participants in the cystic 63355
fibrosis program. The Department shall expend all of these 63356
earmarked funds. 63357

Of the foregoing appropriation item 440-507, Targeted Health 63358
Care Services Over 21, \$900,000 in each fiscal year shall be used 63359
to provide essential medications and to pay the copayments for 63360
drugs approved by the Department of Health and covered by Medicare 63361
Part D that are dispensed to Bureau for Children with Medical 63362
Handicaps (BCMh) participants for the cystic fibrosis program. 63363
These funds also may be used, to the extent that funding is 63364
available, to provide up to 18 in-patient hospital days for 63365

participants in the cystic fibrosis program. The Department shall 63366
expend all of these earmarked funds. 63367

UNCOMPENSATED CARE AND EMERGENCY MEDICAL 63368

The foregoing appropriation item 440-511, Uncompensated Care 63369
and Emergency Medical Assistance, shall be used to fund programs 63370
that provide health care without ability to pay. This is not an 63371
entitlement program and services are offered only to the extent 63372
that funding is available. 63373

ABSTINENCE EDUCATION 63374

The foregoing appropriation item 440-XXX, Abstinence 63375
Education, shall be used for abstinence and adoption education. 63376
The Director of Health shall develop guidelines for the 63377
establishment of abstinence and adoption education programs for 63378
teenagers with the purpose of decreasing unplanned pregnancies and 63379
abortion. The guidelines shall be developed pursuant to Title V of 63380
the "Social Security Act," 42 U.S.C. 510, and shall include, but 63381
are not limited to, advertising campaigns and direct training in 63382
schools and other locations. 63383

MATERNAL CHILD HEALTH BLOCK GRANT 63384

Of the foregoing appropriation item 440-601, Maternal Child 63385
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 63386
fiscal year for the purposes of abstinence and adoption education. 63387
The Director of Health shall develop guidelines for the 63388
establishment of abstinence and adoption education programs for 63389
teenagers with the purpose of decreasing unplanned pregnancies and 63390
abortion. The guidelines shall be developed under Title V of the 63391
"Social Security Act," 42 U.S.C. 510, and shall include, but are 63392
not limited to, advertising campaigns and direct training in 63393
schools and other locations. 63394

GENETICS SERVICES 63395

The foregoing appropriation item 440-608, Genetics Services 63396
(Fund 4D6), shall be used by the Department of Health to 63397
administer programs authorized by sections 3701.501 and 3701.502 63398
of the Revised Code. None of these funds shall be used to counsel 63399
or refer for abortion, except in the case of a medical emergency. 63400

MEDICALLY HANDICAPPED CHILDREN AUDIT 63401

The Medically Handicapped Children Audit Fund (Fund 477) 63402
shall receive revenue from audits of hospitals and recoveries from 63403
third-party payers. Moneys may be expended for payment of audit 63404
settlements and for costs directly related to obtaining recoveries 63405
from third-party payers and for encouraging Medically Handicapped 63406
Children's Program recipients to apply for third-party benefits. 63407
Moneys also may be expended for payments for diagnostic and 63408
treatment services on behalf of medically handicapped children, as 63409
defined in division (A) of section 3701.022 of the Revised Code, 63410
and Ohio residents who are twenty-one or more years of age and who 63411
are suffering from cystic fibrosis or hemophilia. Moneys may also 63412
be expended for administrative expenses incurred in operating the 63413
Medically Handicapped Children's Program. 63414

TRANSFER FROM STATE FIRE MARSHAL'S FUND (FUND 546) TO THE 63415
POISON CONTROL FUND (FUND 5CB) IN THE DEPARTMENT OF HEALTH 63416

Notwithstanding section 3737.71 of the Revised Code, on July 63417
1, 2007, or as soon as possible thereafter, the Director of Budget 63418
and Management shall transfer \$150,000 cash from the State Fire 63419
Marshal's Fund (Fund 546) in the Department of Commerce to the 63420
Poison Control Fund (Fund 5CB) in the Department of Health. 63421
Notwithstanding section 3737.71 of the Revised Code, on July 1, 63422
2008, or as soon as possible thereafter, the Director of Budget 63423
and Management shall transfer \$150,000 cash from the State Fire 63424
Marshal's Fund (Fund 546) in the Department of Commerce to the 63425
Poison Control Fund (Fund 5CB) in the Department of Health. 63426

POISON CONTROL CENTERS	63427
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.	63428 63429 63430 63431
CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND PERMIT FUND	63432 63433
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.	63434 63435 63436 63437 63438 63439
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.	63440 63441 63442 63443
MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS	63444
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.	63445 63446 63447 63448
Section 293.35. HEALTHY OHIO ASSESSMENT	63449
(A) The Department of Health, through the Healthy Ohio program, shall conduct a formal assessment of the Department and the Departments of Job and Family Services, Aging, Alcohol and Drug Addiction Services, Mental Retardation and Developmental Disabilities, Mental Health, Rehabilitation and Correction, and Youth Services to determine their efforts to improve positive health outcomes.	63450 63451 63452 63453 63454 63455 63456

As part of the assessment required by this section, the Department of Health shall assess current practices and offer recommendations for improvements in the following areas:

(1) Specific interventions provided to improve outcomes measured on an individual basis, including measures taken to identify those in need of care, coordinate their care, and provide direct service interventions.

(2) Cost of the care provided per individual served each fiscal year, including administrative and infrastructure costs;

(3) How money is tied to specific work completion with a basis for positive impact and positive outcomes and steps each department is making to ensure the people most at-risk receive the interventions;

(4) Strategies used in each department to eliminate service duplication, especially in the area of care coordination.

(B) As part of its assessment, the Department of Health shall consult with associations representing health care providers, business interests, consumer advocates, insurance companies, and other interested parties affected by improved outcomes funding models.

(C) The Department of Health shall produce written reports of its assessment based on the areas of review listed in division (A) of this section. The Department may collaborate with one or more of the interested parties named in division (B) of this section with substantial experience in the areas the Department is required to assess. The report shall be submitted to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate.

The Department shall submit its first report of the assessment not later than February 1, 2008. The Department shall

submit its final report of the assessment not later than January 63488
 1, 2009. 63489

Section 293.40. NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 63490

The Director of Budget and Management shall transfer, on July 63491
 1, 2007, or as soon as possible thereafter, cash from Fund 4E3, 63492
 Resident Protection Fund, in the Ohio Department of Job and Family 63493
 Services, to Fund 5L1, Nursing Facility Technical Assistance 63494
 Program Fund, in the Ohio Department of Health, to be used under 63495
 section 3721.026 of the Revised Code. The transfers shall equal 63496
 \$410,111 in fiscal year 2008 and \$698,595 in fiscal year 2009. 63497

CASH TRANSFER FROM FEDERAL PUBLIC HEALTH PROGRAMS FUND TO 63498
 AGENCY HEALTH SERVICES FUND 63499

As soon as possible on or after July 1, 2007, the Director of 63500
 Health shall certify to the Director of Budget and Management the 63501
 amount of cash to be transferred from the Federal Public Health 63502
 Programs Fund (Fund 392) to the Agency Health Services Fund (Fund 63503
 142) to meet the operating needs of the Vital Statistics Program. 63504
 The Director of Budget and Management shall transfer the amount 63505
 certified. 63506

Section 295.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 63507

Agency Fund Group				63508
461 372-601 Operating Expenses	\$	16,819	\$ 16,819	63509
TOTAL AGY Agency Fund Group	\$	16,819	\$ 16,819	63510
TOTAL ALL BUDGET FUND GROUPS	\$	16,819	\$ 16,819	63511

Section 297.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 63513

General Revenue Fund				63514
GRF 148-100 Personal Services	\$	160,121	\$ 167,156	63515
GRF 148-200 Maintenance	\$	40,000	\$ 40,000	63516

GRF 148-402 Community Projects	\$	500,000	\$	500,000	63517
TOTAL GRF General Revenue Fund	\$	700,121	\$	707,156	63518
General Services Fund Group					63519
601 148-602 Gifts and	\$	20,000	\$	20,000	63520
Miscellaneous					
TOTAL GSF General Services					63521
Fund Group	\$	20,000	\$	20,000	63522
TOTAL ALL BUDGET FUND GROUPS	\$	720,121	\$	727,156	63523

Section 299.10. OHS OHIO HISTORICAL SOCIETY 63525

General Revenue Fund					63526
GRF 360-501 Operating Subsidy	\$	3,349,244	\$	3,349,252	63527
GRF 360-502 Site and Museum	\$	8,401,781	\$	8,401,788	63528
Operations					
GRF 360-504 Ohio Preservation	\$	717,516	\$	715,381	63529
Office					
GRF 360-505 National Afro-American	\$	754,884	\$	754,884	63530
Museum					
GRF 360-506 Hayes Presidential	\$	514,323	\$	514,323	63531
Center					
GRF 360-508 State Historical	\$	823,000	\$	775,000	63532
Grants					
TOTAL GRF General Revenue Fund	\$	14,560,748	\$	14,510,628	63533
TOTAL ALL BUDGET FUND GROUPS	\$	14,560,748	\$	14,510,628	63534

SUBSIDY APPROPRIATION 63535

Upon approval by the Director of Budget and Management, the 63536
foregoing appropriation items shall be released to the Ohio 63537
Historical Society in quarterly amounts that in total do not 63538
exceed the annual appropriations. The funds and fiscal records of 63539
the society for fiscal years 2008 and 2009 shall be examined by 63540
independent certified public accountants approved by the Auditor 63541
of State, and a copy of the audited financial statements shall be 63542

filed with the Office of Budget and Management. The society shall 63543
prepare and submit to the Office of Budget and Management the 63544
following: 63545

(A) An estimated operating budget for each fiscal year of the 63546
biennium. The operating budget shall be submitted at or near the 63547
beginning of each calendar year. 63548

(B) Financial reports, indicating actual receipts and 63549
expenditures for the fiscal year to date. These reports shall be 63550
filed at least semiannually during the fiscal biennium. 63551

The foregoing appropriations shall be considered to be the 63552
contractual consideration provided by the state to support the 63553
state's offer to contract with the Ohio Historical Society under 63554
section 149.30 of the Revised Code. 63555

HAYES PRESIDENTIAL CENTER 63556

If a United States government agency, including, but not 63557
limited to, the National Park Service, chooses to take over the 63558
operations or maintenance of the Hayes Presidential Center, in 63559
whole or in part, the Ohio Historical Society shall make 63560
arrangements with the National Park Service or other United States 63561
government agency for the efficient transfer of operations or 63562
maintenance. 63563

HISTORICAL GRANTS 63564

Of the foregoing appropriation item 360-508, State Historical 63565
Grants, \$30,000 in fiscal year 2008 shall be distributed to the 63566
Paul Laurence Dunbar Home, \$75,000 in each fiscal year shall be 63567
distributed to the Center for Holocaust and Humanity Education 63568
located at the Hebrew Union College-Jewish Institute of Religion 63569
in Cincinnati, \$350,000 in each fiscal year shall be distributed 63570
to the Western Reserve Historical Society, \$350,000 in each fiscal 63571
year shall be distributed to the Cincinnati Museum Center, and up 63572
to \$18,000 in fiscal year 2008 shall be distributed to the 63573

Muskingum River Underground Railroad Historic Marker Project.	63574
PROCESSING FEES	63575
The Ohio Historical Society shall not charge or retain an	63576
administrative, service, or processing fee for distributing money	63577
that the General Assembly appropriates to the Society for grants	63578
or subsidies that the Society provides to other entities for their	63579
site-related programs.	63580
Section 301.10. REP OHIO HOUSE OF REPRESENTATIVES	63581
General Revenue Fund	63582
GRF 025-321 Operating Expenses \$ 20,574,568 \$ 20,574,568	63583
TOTAL GRF General Revenue Fund \$ 20,574,568 \$ 20,574,568	63584
General Services Fund Group	63585
103 025-601 House Reimbursement \$ 1,433,664 \$ 1,433,664	63586
4A4 025-602 Miscellaneous Sales \$ 37,849 \$ 37,849	63587
TOTAL GSF General Services	63588
Fund Group \$ 1,471,513 \$ 1,471,513	63589
TOTAL ALL BUDGET FUND GROUPS \$ 22,046,081 \$ 22,046,081	63590
OPERATING EXPENSES	63591
On July 1, 2007, or as soon as possible thereafter, the Chief	63592
Administrative Officer of the House of Representatives shall	63593
certify to the Director of Budget and Management the total fiscal	63594
year 2007 unencumbered appropriations in appropriation item	63595
025-321, Operating Expenses. The Chief Administrative Officer may	63596
direct the Director of Budget and Management to transfer an amount	63597
not to exceed the total fiscal year 2007 unencumbered	63598
appropriations to fiscal year 2008 for use within appropriation	63599
item 025-321, Operating Expenses. Additional appropriation	63600
authority equal to the amount certified by the Chief	63601
Administrative Officer is hereby appropriated to appropriation	63602
item 025-321, Operating Expenses, in fiscal year 2008.	63603

On July 1, 2008, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives shall certify to the Director of Budget and Management the total fiscal year 2008 unencumbered appropriations in appropriation item 025-321, Operating Expenses. The Chief Administrative Officer may direct the Director of Budget and Management to transfer an amount not to exceed the total fiscal year 2008 unencumbered appropriations to fiscal year 2009 for use within appropriation item 025-321, Operating Expenses. Additional appropriation authority equal to the amount certified by the Chief Administrative Officer is hereby appropriated to appropriation item 025-321, Operating Expenses, in fiscal year 2009.

Section 303.10. HFA OHIO HOUSING FINANCE AGENCY				63616
Agency Fund Group				63617
5AZ 997-601 Housing Finance Agency	\$	9,750,953	\$ 10,237,491	63618
Personal Services				
TOTAL AGY Agency Fund Group	\$	9,750,953	\$ 10,237,491	63619
TOTAL ALL BUDGET FUND GROUPS	\$	9,750,953	\$ 10,237,491	63620

Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL				63622
General Revenue Fund				63623
GRF 965-321 Operating Expenses	\$	1,367,372	\$ 1,437,901	63624
TOTAL GRF General Revenue Fund	\$	1,367,372	\$ 1,437,901	63625
General Services Fund Group				63626
4Z3 965-602 Special Investigations	\$	425,000	\$ 425,000	63627
TOTAL GSF General Services Fund	\$	425,000	\$ 425,000	63628
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	1,792,372	\$ 1,862,901	63629

Section 307.10. INS DEPARTMENT OF INSURANCE				63631
Federal Special Revenue Fund Group				63632

3U5 820-602 OSHIIP Operating Grant	\$	1,100,000	\$	1,100,000	63633
TOTAL FED Federal Special					63634
Revenue Fund Group	\$	1,100,000	\$	1,100,000	63635
State Special Revenue Fund Group					63636
554 820-601 Operating Expenses -	\$	553,750	\$	569,269	63637
OSHIIP					
554 820-606 Operating Expenses	\$	23,350,236	\$	23,802,797	63638
555 820-605 Examination	\$	7,639,581	\$	7,868,768	63639
TOTAL SSR State Special Revenue					63640
Fund Group	\$	31,543,567	\$	32,240,834	63641
TOTAL ALL BUDGET FUND GROUPS	\$	32,643,567	\$	33,340,834	63642
MARKET CONDUCT EXAMINATION					63643
When conducting a market conduct examination of any insurer					63644
doing business in this state, the Superintendent of Insurance may					63645
assess the costs of the examination against the insurer. The					63646
superintendent may enter into consent agreements to impose					63647
administrative assessments or fines for conduct discovered that					63648
may be violations of statutes or rules administered by the					63649
superintendent. All costs, assessments, or fines collected shall					63650
be deposited to the credit of the Department of Insurance					63651
Operating Fund (Fund 554).					63652
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES					63653
The Director of Budget and Management, at the request of the					63654
Superintendent of Insurance, may transfer funds from the					63655
Department of Insurance Operating Fund (Fund 554), established by					63656
section 3901.021 of the Revised Code, to the Superintendent's					63657
Examination Fund (Fund 555), established by section 3901.071 of					63658
the Revised Code, only for expenses incurred in examining domestic					63659
fraternal benefit societies as required by section 3921.28 of the					63660
Revised Code.					63661
TRANSFER FROM FUND 554 TO GENERAL REVENUE FUND					63662

Not later than the thirty-first day of July each fiscal year, 63663
 the Director of Budget and Management shall transfer \$5,000,000 63664
 from the Department of Insurance Operating Fund to the General 63665
 Revenue Fund. 63666

Section 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 63667

General Revenue Fund 63668

GRF 600-321 Support Services 63669

State \$ 50,785,978 \$ 52,571,413 63670

Federal \$ 10,460,286 \$ 11,290,237 63671

Support Services Total \$ 61,246,264 \$ 63,861,650 63672

GRF 600-410 TANF State \$ 272,619,061 \$ 272,619,061 63673

GRF 600-413 Child Care \$ 84,120,596 \$ 84,120,596 63674

Match/Maintenance of
 Effort

GRF 600-416 Computer Projects 63675

State \$ 115,701,181 \$ 116,419,033 63676

Federal \$ 21,548,144 \$ 21,192,117 63677

Computer Projects Total \$ 137,249,325 \$ 137,611,150 63678

GRF 600-417 Medicaid Provider \$ 2,000,000 \$ 2,000,000 63679

Audits

GRF 600-420 Child Support \$ 8,541,446 \$ 10,641,446 63680

Administration

GRF 600-421 Office of Family \$ 4,614,932 \$ 4,614,932 63681

Stability

GRF 600-423 Office of Children and \$ 5,650,000 \$ 5,900,000 63682

Families

GRF 600-425 Office of Ohio Health 63683

Plans

State \$ 22,500,000 \$ 22,500,000 63684

Federal \$ 23,324,848 \$ 23,418,368 63685

Office of Ohio Health \$ 45,824,848 \$ 45,918,368 63686

	Plans Total			
GRF 600-502	Administration - Local	\$ 34,014,103	\$ 34,014,103	63687
GRF 600-511	Disability Financial	\$ 22,128,480	\$ 25,335,908	63688
	Assistance			
GRF 600-512	Non-TANF Disaster	\$ 1,000,000	\$ 1,000,000	63689
	Assistance			
GRF 600-521	Entitlement	\$ 130,000,000	\$ 130,000,000	63690
	Administration - Local			
GRF 600-523	Children and Families	\$ 78,515,135	\$ 78,515,135	63691
	Services			
GRF 600-525	Health Care/Medicaid			63692
	State	\$ 3,420,852,719	\$ 3,547,124,242	63693
	Federal	\$ 5,208,659,435	\$ 5,714,381,823	63694
	Health Care Total	\$ 8,629,512,154	\$ 9,261,506,065	63695
GRF 600-526	Medicare Part D	\$ 254,397,401	\$ 271,854,640	63696
GRF 600-528	Adoption Services			63697
	State	\$ 37,520,466	\$ 43,978,301	63698
	Federal	\$ 41,304,043	\$ 49,196,065	63699
	Adoption Services Total	\$ 78,824,509	\$ 93,174,366	63700
GRF 600-534	Adult Protective	\$ 100,000	\$ 100,000	63701
	Services			
TOTAL GRF	General Revenue Fund			63702
	State	\$ 4,545,061,498	\$ 4,703,308,810	63703
	Federal	\$ 5,305,296,756	\$ 5,819,478,610	63704
	GRF Total	\$ 9,850,358,254	\$10,522,787,420	63705
	General Services Fund Group			63706
4A8 600-658	Child Support	\$ 26,680,794	\$ 26,680,794	63707
	Collections			
4R4 600-665	BCII Services/Fees	\$ 36,974	\$ 36,974	63708
5BG 600-653	Managed Care	\$ 210,655,034	\$ 222,667,304	63709
	Assessment			
5C9 600-671	Medicaid Program	\$ 80,120,048	\$ 80,120,048	63710
	Support			

5DL	600-639	Medicaid Revenue and Collections	\$	51,966,785	\$	56,296,844	63711
5N1	600-677	County Technologies	\$	1,000,000	\$	1,000,000	63712
5P5	600-692	Health Care Services	\$	93,000,000	\$	62,000,000	63713
613	600-645	Training Activities	\$	135,000	\$	135,000	63714
TOTAL GSF General Services							63715
Fund Group			\$	463,594,635	\$	448,936,964	63716
Federal Special Revenue Fund Group							63717
3AW	600-675	Faith Based Initiatives	\$	1,000,000	\$	1,000,000	63718
3A2	600-641	Emergency Food Distribution	\$	2,900,000	\$	3,500,000	63719
3D3	600-648	Children's Trust Fund Federal	\$	2,040,524	\$	2,040,524	63720
3F0	600-623	Health Care Federal	\$	1,209,188,383	\$	1,211,196,561	63721
3F0	600-650	Hospital Care Assurance Match	\$	343,239,047	\$	343,239,047	63722
3G5	600-655	Interagency Reimbursement	\$	1,469,763,073	\$	1,513,855,965	63723
3H7	600-617	Child Care Federal	\$	207,269,463	\$	200,167,593	63724
3N0	600-628	IV-E Foster Care Maintenance	\$	153,963,142	\$	153,963,142	63725
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050	63726
3V0	600-688	Workforce Investment Act	\$	232,568,453	\$	233,082,144	63727
3V4	600-678	Federal Unemployment Programs	\$	147,411,858	\$	152,843,414	63728
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$	3,092,890	\$	3,191,862	63729
3V6	600-689	TANF Block Grant	\$	1,037,739,200	\$	1,085,861,099	63730
3W3	600-659	TANF/Title XX Transfer	\$	10,081,377	\$	6,672,366	63731
327	600-606	Child Welfare	\$	48,514,502	\$	47,947,309	63732

331	600-686	Federal Operating	\$	53,963,318	\$	56,263,225	63733
384	600-610	Food Stamps and State Administration	\$	160,237,060	\$	153,147,118	63734
385	600-614	Refugee Services	\$	10,196,547	\$	11,057,826	63735
395	600-616	Special Activities/Child and Family Services	\$	5,723,131	\$	5,717,151	63736
396	600-620	Social Services Block Grant	\$	114,479,464	\$	114,474,085	63737
396	600-651	Second Harvest Food Banks	\$	5,500,000	\$	5,500,000	63738
397	600-626	Child Support	\$	303,661,307	\$	303,538,962	63739
398	600-627	Adoption Maintenance/ Administration	\$	318,172,168	\$	317,483,676	63740
TOTAL FED Federal Special Revenue							63741
Fund Group			\$	5,841,238,957	\$	5,926,277,119	63742
State Special Revenue Fund Group							63743
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522	63744
4A9	600-607	Unemployment Compensation Administration Fund	\$	12,273,062	\$	12,188,996	63745
4A9	600-694	Unemployment Compensation Review Commission	\$	1,726,938	\$	1,811,004	63746
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	63747
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	63748
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	63749
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	63750
4K1	600-621	ICF/MR Bed Assessments	\$	19,332,437	\$	19,332,437	63751

4R3	600-687	Banking Fees	\$	800,000	\$	800,000	63752
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	63753
5DB	600-637	Military Injury Grants	\$	2,000,000	\$	2,000,000	63754
5ES	600-630	Food Assistance	\$	500,000	\$	500,000	63755
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	63756
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	63757
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	63758
5R2	600-608	Medicaid-Nursing Facilities	\$	175,000,000	\$	175,000,000	63759
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	63760
5U3	600-654	Health Care Services Administration	\$	9,867,284	\$	12,000,349	63761
5U6	600-663	Children and Family Support	\$	4,928,718	\$	4,928,718	63762
5Z9	600-672	TANF Quality Control Reinvestments	\$	520,971	\$	546,254	63763
651	600-649	Hospital Care Assurance Program Fund	\$	231,893,404	\$	231,893,404	63764
TOTAL SSR State Special Revenue							63765
Fund Group			\$	590,002,192	\$	592,160,540	63766
Agency Fund Group							63767
192	600-646	Support Intercept - Federal	\$	110,000,000	\$	110,000,000	63768
5B6	600-601	Food Stamp Intercept	\$	2,000,000	\$	2,000,000	63769
583	600-642	Support Intercept - State	\$	16,000,000	\$	16,000,000	63770
TOTAL AGY Agency Fund Group			\$	128,000,000	\$	128,000,000	63771
Holding Account Redistribution Fund Group							63772
R12	600-643	Refunds and Audit	\$	3,600,000	\$	3,600,000	63773

Settlements

R13 600-644 Forgery Collections	\$	10,000	\$	10,000	63774
TOTAL 090 Holding Account	\$	3,610,000	\$	3,610,000	63775
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$16,876,804,038		\$17,621,772,043	63776

Section 309.20. SUPPORT SERVICES 63778

Section 309.20.10. GOVERNOR'S OFFICE OF FAITH-BASED AND 63779
COMMUNITY INITIATIVES 63780

Of the foregoing appropriation item 600-321, Support 63781
 Services, up to \$312,500 per fiscal year may be used to support 63782
 the activities of the Governor's Office of Faith-Based and 63783
 Community Initiatives. 63784

Section 309.20.15. OPERATIONS INDUSTRIALIZATION CENTERS 63785

Of the foregoing appropriation item 600-321, Support 63786
 Services, \$75,000 in each fiscal year shall be provided to the 63787
 Operations Industrialization Centers of Clark County. 63788

Section 309.20.30. AGENCY FUND GROUP 63789

The Agency Fund Group and Holding Account Redistribution Fund 63790
 Group shall be used to hold revenues until the appropriate fund is 63791
 determined or until the revenues are directed to the appropriate 63792
 governmental agency other than the Department of Job and Family 63793
 Services. If it is determined that additional appropriation 63794
 authority is necessary, such amounts are hereby appropriated. 63795

Section 309.30. MEDICAID 63796

Section 309.30.10. HEALTH CARE/MEDICAID 63797

The foregoing appropriation item 600-525, Health 63798
 Care/Medicaid, shall not be limited by section 131.33 of the 63799

Revised Code. 63800

Section 309.30.13. CHILDREN'S HOSPITALS 63801

(A) As used in this section: 63802

"Children's hospital" means a hospital that primarily serves 63803
patients eighteen years of age and younger and is excluded from 63804
Medicare prospective payment in accordance with 42 C.F.R. 63805
412.23(d). 63806

"Medicaid inpatient cost-to-charge ratio" means the historic 63807
Medicaid inpatient cost-to-charge ratio applicable to a hospital 63808
as described in rules adopted by the Director of Job and Family 63809
Services in paragraph (B)(2) of rule 5101:3-2-22 of the 63810
Administrative Code. 63811

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 63812
the Administrative Code and except as provided in division (C) of 63813
this section, the Director of Job and Family Services shall pay a 63814
children's hospital that meets the criteria in paragraphs (E)(1) 63815
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 63816
cost outlier claim made in fiscal years 2008 and 2009, an amount 63817
that is the product of the hospital's allowable charges and the 63818
hospital's Medicaid inpatient cost-to-charge ratio. 63819

(C) If at any time the cumulative amount of payments for cost 63820
outlier claims made under division (B) of this section in each of 63821
fiscal years 2008 and 2009, respectively, exceeds the sum of the 63822
state funds earmarked in division (F) of this section for the 63823
applicable fiscal year and the corresponding federal match, the 63824
Director of Job and Family Services shall revert to paying each 63825
children's hospital for a cost outlier claim according to the 63826
methodology described in paragraph (A)(6) or (C)(5) of rule 63827
5101:3-2-07.9 of the Administrative Code, as applicable. 63828

(D) If the cumulative amount of payments for cost outlier 63829

claims made under division (B) of this section in each of fiscal 63830
years 2008 and 2009, respectively, does not require the 63831
expenditure of all state and federal funds earmarked in division 63832
(F) of this section for the applicable fiscal year, the remaining 63833
state and federal funds earmarked for the applicable fiscal year 63834
shall be used by the Department of Job and Family Services to make 63835
supplemental Medicaid payments to children's hospitals for 63836
inpatient services under a program modeled after the program the 63837
Department of Job and Family Services was required to create for 63838
fiscal years 2006 and 2007 in Section 206.66.79 of Am. Sub. H.B. 63839
66 of the 126th General Assembly. 63840

(E) The Director of Job and Family Services shall not adopt, 63841
amend, or rescind any rules that would result in decreasing the 63842
amount paid to children's hospitals under division (B) of this 63843
section for cost outlier claims. 63844

(F) Of the foregoing appropriation item, 600-525, Health 63845
Care/Medicaid, up to \$6 million (state share) in each fiscal year 63846
plus the corresponding federal match, if available, shall be used 63847
by the Department to pay the amounts described in division (B) of 63848
this section. 63849

Section 309.30.16. MEDICAID RESERVE FUND 63850

The Medicaid Reserve Fund is hereby created in the state 63851
treasury. 63852

Not later than July 31, 2007, or as soon as possible 63853
thereafter, the Director of Budget and Management shall transfer, 63854
for fiscal year 2008, \$120,000,000 in cash from the General 63855
Revenue Fund to the Medicaid Reserve Fund. 63856

If at any time during fiscal year 2008 the Director of Budget 63857
and Management determines that additional appropriations are 63858
needed in appropriation item 600-525, Health Care/Medicaid, to 63859

fund the Medicaid Program, the Director of Budget and Management 63860
may submit a request to the Controlling Board to transfer cash 63861
from the Medicaid Reserve Fund. The request shall state the 63862
reasons for the transfer and the additional amounts being 63863
requested. The request shall be submitted at a regularly scheduled 63864
meeting of the Controlling Board. If the Controlling Board 63865
approves the transfer, the Director of Budget and Management shall 63866
transfer the approved amount of cash from the Medicaid Reserve 63867
Fund to the General Revenue Fund and increase the state share of 63868
appropriations in appropriation item 600-525, Health 63869
Care/Medicaid, and adjust the federal share accordingly. Any such 63870
transfers and adjustments are hereby appropriated. 63871

At the end of fiscal year 2008, the Director of Budget and 63872
Management shall transfer from the Medicaid Reserve Fund all the 63873
cash balance, including any interest earnings, in excess of any 63874
transfers approved by the Controlling Board to the credit of the 63875
General Revenue Fund. The Director of Budget and Management shall 63876
make transfers to the Budget Stabilization Fund or the Income Tax 63877
Reduction Fund in accordance with section 131.44 of the Revised 63878
Code. 63879

Not later than July 31, 2008, or as soon as possible 63880
thereafter, the Director of Budget and Management shall transfer, 63881
for fiscal year 2009, \$205,000,000 in cash from the General 63882
Revenue Fund to the Medicaid Reserve Fund. 63883

If at any time during fiscal year 2009 the Director of Budget 63884
and Management determines that additional appropriations are 63885
needed in appropriation item 600-525, Health Care/Medicaid, to 63886
fund the Medicaid Program, the Director of Budget and Management 63887
may submit a request to the Controlling Board to transfer cash 63888
from the Medicaid Reserve Fund. The request shall state the 63889
reasons for the transfer and the additional amounts being 63890
requested. The request shall be submitted at a regularly scheduled 63891

meeting of the Controlling Board. If the Controlling Board 63892
approves the transfer, the Director of Budget and Management shall 63893
transfer the approved amount of cash from the Medicaid Reserve 63894
Fund to the General Revenue Fund and increase the state share of 63895
appropriations in appropriation item 600-525, Health 63896
Care/Medicaid, and adjust the federal share accordingly. Any such 63897
transfers and adjustments are hereby appropriated. 63898

At the end of fiscal year 2009, the Director of Budget and 63899
Management shall transfer from the Medicaid Reserve Fund all the 63900
cash balance, including any interest earnings, in excess of any 63901
transfers approved by the Controlling Board to the credit of the 63902
General Revenue Fund. The Director of Budget and Management shall 63903
make transfers to the Budget Stabilization Fund and the Income Tax 63904
Reduction Fund in accordance with section 131.44 of the Revised 63905
Code. 63906

Section 309.30.18. MEDICAID PROVIDER AUDITS 63907

Of the foregoing appropriation item 600-417, Medicaid 63908
Provider Audits, \$2,000,000 each fiscal year shall be used by the 63909
Auditor of State, in consultation with the Department of Job and 63910
Family Services, to perform audits of providers of Medicaid 63911
services as defined in section 117.10 of the Revised Code. 63912

Section 309.30.20. FISCAL YEAR 2008 MEDICAID REIMBURSEMENT 63913
SYSTEM FOR NURSING FACILITIES 63914

(A) As used in this section: 63915

"Franchise permit fee," "Medicaid days," "nursing facility," 63916
and "provider" have the same meanings as in section 5111.20 of the 63917
Revised Code. 63918

"Nursing facility services" means nursing facility services 63919
covered by the Medicaid program that a nursing facility provides 63920
to a resident of the nursing facility who is a Medicaid recipient 63921

eligible for Medicaid-covered nursing facility services. 63922

(B) Except as otherwise provided by this section, the 63923
provider of a nursing facility that has a valid Medicaid provider 63924
agreement on June 30, 2007, and a valid Medicaid provider 63925
agreement during fiscal year 2008 shall be paid, for nursing 63926
facility services the nursing facility provides during fiscal year 63927
2008, the rate calculated for the nursing facility under sections 63928
5111.20 to 5111.33 of the Revised Code with the following 63929
adjustments: 63930

(1) The cost per case mix-unit calculated under section 63931
5111.231 of the Revised Code, the rate for ancillary and support 63932
costs calculated under section 5111.24 of the Revised Code, the 63933
rate for capital costs calculated under section 5111.25 of the 63934
Revised Code, and the rate for tax costs calculated under section 63935
5111.242 of the Revised Code shall each be adjusted as follows: 63936

(a) Increase the cost and rates so calculated by two per 63937
cent; 63938

(b) Increase the cost and rates determined under division 63939
(B)(1)(a) of this section by two per cent; 63940

(c) Increase the cost and rates determined under division 63941
(B)(1)(b) of this section by two and eight-tenths per cent. 63942

(2) The mean payment used in the calculation of the quality 63943
incentive payment made under section 5111.244 of the Revised Code 63944
shall be, weighted by Medicaid days, three dollars and six cents 63945
per Medicaid day. 63946

(C) If the rate determined for a nursing facility under 63947
division (B) of this section for nursing facility services 63948
provided during fiscal year 2008 is more than one hundred nine and 63949
eighty-five hundredths per cent of the rate the provider is paid 63950
for nursing facility services the nursing facility provides on 63951
June 30, 2007, the Department of Job and Family Services shall 63952

reduce the nursing facility's fiscal year 2008 rate so that the 63953
rate is not more than one hundred nine and eighty-five hundredths 63954
per cent of the nursing facility's rate for June 30, 2007. If the 63955
rate determined for a nursing facility under division (B) of this 63956
section for nursing facility services provided during fiscal year 63957
2008 is less than the rate the provider is paid for nursing 63958
facility services the nursing facility provides on June 30, 2007, 63959
the Department shall increase the nursing facility's fiscal year 63960
2008 rate so that the rate is not less than the nursing facility's 63961
rate for June 30, 2007. 63962

(D) If the United States Centers for Medicare and Medicaid 63963
Services requires that the franchise permit fee be reduced or 63964
eliminated, the Department of Job and Family Services shall reduce 63965
the amount it pays providers of nursing facility services under 63966
this section as necessary to reflect the loss to the state of the 63967
revenue and federal financial participation generated from the 63968
franchise permit fee. 63969

(E) The Department of Job and Family Services shall follow 63970
this section in determining the rate to be paid to the provider of 63971
a nursing facility that has a valid Medicaid provider agreement on 63972
June 30, 2007, and a valid Medicaid provider agreement during 63973
fiscal year 2008 notwithstanding anything to the contrary in 63974
sections 5111.20 to 5111.33 of the Revised Code. 63975

Section 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT 63976
SYSTEM FOR NURSING FACILITIES 63977

(A) As used in this section: 63978

"Franchise permit fee," "Medicaid days," "nursing facility," 63979
and "provider" have the same meanings as in section 5111.20 of the 63980
Revised Code. 63981

"Nursing facility services" means nursing facility services 63982

covered by the Medicaid program that a nursing facility provides 63983
to a resident of the nursing facility who is a Medicaid recipient 63984
eligible for Medicaid-covered nursing facility services. 63985

(B) Except as otherwise provided by this section, the 63986
provider of a nursing facility that has a valid Medicaid provider 63987
agreement on June 30, 2008, and a valid Medicaid provider 63988
agreement during fiscal year 2009 shall be paid, for nursing 63989
facility services the nursing facility provides during fiscal year 63990
2009, the rate calculated for the nursing facility under sections 63991
5111.20 to 5111.33 of the Revised Code with the following 63992
adjustments: 63993

(1) The cost per case mix-unit calculated under section 63994
5111.231 of the Revised Code, the rate for ancillary and support 63995
costs calculated under section 5111.24 of the Revised Code, the 63996
rate for capital costs calculated under section 5111.25 of the 63997
Revised Code, and the rate for tax costs calculated under section 63998
5111.242 of the Revised Code shall each be adjusted as follows: 63999

(a) Increase the cost and rates so calculated by two per 64000
cent; 64001

(b) Increase the cost and rates determined under division 64002
(B)(1)(a) of this section by two per cent; 64003

(c) Increase the cost and rates determined under division 64004
(B)(1)(b) of this section by two and eight-tenths per cent; 64005

(d) Increase the cost and rates determined under division 64006
(B)(1)(c) of this section by one half of a per cent. 64007

(2) The mean payment used in the calculation of the quality 64008
incentive payment made under section 5111.244 of the Revised Code 64009
shall be, weighted by Medicaid days, three dollars and twelve 64010
cents per Medicaid day. 64011

(C) If the rate determined for a nursing facility under 64012

division (B) of this section for nursing facility services 64013
provided during fiscal year 2009 is more than the rate the 64014
provider is paid for nursing facility services the nursing 64015
facility provides on June 30, 2008, the Department of Job and 64016
Family Services shall reduce the nursing facility's fiscal year 64017
2009 rate so that the rate is not more than the nursing facility's 64018
rate for June 30, 2008. If the rate determined for a nursing 64019
facility under division (B) of this section for nursing facility 64020
services provided during fiscal year 2009 is less than the rate 64021
the provider is paid for nursing facility services the nursing 64022
facility provides on June 30, 2008, the Department shall increase 64023
the nursing facility's fiscal year 2009 rate so that the rate is 64024
not less than the nursing facility's rate for June 30, 2008. 64025

(D) If the United States Centers for Medicare and Medicaid 64026
Services requires that the franchise permit fee be reduced or 64027
eliminated, the Department of Job and Family Services shall reduce 64028
the amount it pays providers of nursing facility services under 64029
this section as necessary to reflect the loss to the state of the 64030
revenue and federal financial participation generated from the 64031
franchise permit fee. 64032

(E) The Department of Job and Family Services shall follow 64033
this section in determining the rate to be paid to the provider of 64034
a nursing facility that has a valid Medicaid provider agreement on 64035
June 30, 2008, and a valid Medicaid provider agreement during 64036
fiscal year 2009 notwithstanding anything to the contrary in 64037
sections 5111.20 to 5111.33 of the Revised Code. 64038

Section 309.30.40. FISCAL YEARS 2008 AND 2009 MEDICAID 64039
REIMBURSEMENT SYSTEM FOR ICFs/MR 64040

(A) As used in this section: 64041

"Intermediate care facility for the mentally retarded" has 64042
the same meaning as in section 5111.20 of the Revised Code. 64043

"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the intermediate care facility for the mentally retarded's per resident per day rate paid for those days.

"Per diem rate" means the per diem rate calculated pursuant to sections 5111.20 to 5111.33 of the Revised Code.

(B) Notwithstanding sections 5111.20 to 5111.33 of the Revised Code, rates paid to intermediate care facilities for the mentally retarded under the Medicaid program shall be subject to the following limitations:

(1) For fiscal year 2008, the mean total per diem rate for all intermediate care facilities for the mentally retarded in the state, weighted by May 2007 Medicaid days and calculated as of July 1, 2007, shall not exceed \$266.14.

(2) For fiscal year 2009, the mean total per diem rate for all intermediate care facilities for the mentally retarded in the state, weighted by May 2008 Medicaid days and calculated as of July 1, 2008, shall not exceed \$271.46.

(3) If the mean total per diem rate for all intermediate care facilities for the mentally retarded in the state for fiscal year 2008 or 2009, weighted by Medicaid days as specified in division (B)(1) or (2) of this section, as appropriate, and calculated as of the first day of July of the calendar year in which the fiscal year begins, exceeds the amount specified in division (B)(1) or (2) of this section, as applicable, the Department of Job and Family Services shall reduce the total per diem rate for each intermediate care facility for the mentally retarded in the state

by a percentage that is equal to the percentage by which the mean 64075
total per diem rate exceeds the amount specified in division 64076
(B)(1) or (2) of this section for that fiscal year. 64077

(4) Subsequent to any reduction required by division (B)(3) 64078
of this section, the rate of an intermediate care facility for the 64079
mentally retarded shall not be subject to any adjustments 64080
authorized by sections 5111.20 to 5111.33 of the Revised Code 64081
during the remainder of the year. 64082

Section 309.30.45. INCREASE IN MEDICAID RATES FOR PASSPORT 64083
SERVICES 64084

As used in this section, "PASSPORT program" means the program 64085
created under section 173.40 of the Revised Code. 64086

The Director of Job and Family Services shall amend the rules 64087
adopted under section 5111.85 of the Revised Code as necessary to 64088
accomplish the following: 64089

(A) Increase, for fiscal year 2008, the Medicaid 64090
reimbursement rates for services provided under the PASSPORT 64091
program to rates that result in an amount that is three per cent 64092
higher than the amount resulting from the rates in effect June 30, 64093
2007. 64094

(B) Increase, for fiscal year 2009, the Medicaid 64095
reimbursement rates for services provided under the PASSPORT 64096
program to rates that result in an amount that is three per cent 64097
higher than the amount resulting from the rates in effect June 30, 64098
2008. 64099

Section 309.30.50. HOME FIRST PROGRAM 64100

(A) On a quarterly basis, on receipt of the certified 64101
expenditures related to section 173.401 of the Revised Code, the 64102
Director of Budget and Management shall do all of the following 64103

for fiscal years 2008 and 2009: 64104

(1) Transfer the state share of the amount of the actual 64105
expenditures from GRF appropriation item 600-525, Health 64106
Care/Medicaid, to GRF appropriation item 490-403, PASSPORT; 64107

(2) Increase the appropriation in Ohio Department of Aging 64108
Fund 3C4, appropriation item 490-607, PASSPORT, by the federal 64109
share of the amount of the actual expenditures; 64110

(3) Increase the appropriation in JFS Fund 3G5, appropriation 64111
item 600-655, Interagency Reimbursement, by the federal share of 64112
the amount of the actual expenditures. 64113

The funds that the Director of Budget and Management 64114
transfers and increases under this division are hereby 64115
appropriated. 64116

(B) The individuals placed in the PASSPORT program pursuant 64117
to this section shall be in addition to the individuals placed in 64118
the PASSPORT program during fiscal years 2008 and 2009 based on 64119
the amount of money that is in GRF appropriation item 490-403, 64120
PASSPORT; Fund 4J4, appropriation item 490-610, 64121
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 64122
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 64123
490-607, PASSPORT, before any transfers to GRF appropriation item 64124
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 64125
PASSPORT, are made under this section. 64126

Section 309.30.53. RESIDENTIAL STATE SUPPLEMENT TRANSFER 64127

On a quarterly basis, on receipt of the certified residential 64128
state supplement costs related to section 173.351 of the Revised 64129
Code, the Director of Budget and Management shall do the 64130
following: 64131

(A) Transfer the state share of the amount of the estimated 64132
costs from GRF appropriation item 600-525, Health Care/Medicaid, 64133

to GRF appropriation item 490-412, Residential State Supplement; 64134

(B) The Department of Aging may transfer cash by intrastate 64135
transfer vouchers from the foregoing appropriation item 490-412, 64136
Residential State Supplement, and 490-610, PASSPORT/Residential 64137
State Supplement, to the Department of Job and Family Services 64138
Fund 4J5, Home and Community-Based Services for the Aged Fund. The 64139
funds shall be used to make benefit payments to Residential State 64140
Supplement recipients. 64141

The funds that the Director of Budget and Management 64142
transfers and increases under this division are hereby 64143
appropriated. 64144

Section 309.30.56. HEALTH ASSISTANCE FOR CHILDREN WITH 64145
CATASTROPHIC ILLNESS 64146

The Director of Budget and Management may increase the state 64147
share of appropriations in appropriation item 600-525, Health 64148
Care/Medicaid, and adjust the federal share accordingly, in order 64149
to pay the costs associated with section 5111.71 of the Revised 64150
Code. 64151

Section 309.30.60. MEDICAID COVERAGE OF CHIROPRACTIC SERVICES 64152

(A) As used in this section, "adult Medicaid recipient" means 64153
a Medicaid recipient twenty-two years of age or older. 64154

(B) For the period beginning January 1, 2008, and ending June 64155
30, 2009, and subject to division (C) of this section, the 64156
Medicaid Program shall cover chiropractic services for adult 64157
Medicaid recipients in an amount, duration, and scope specified in 64158
rules that the Director of Job and Family Services shall adopt 64159
under section 5111.02 of the Revised Code. 64160

(C) The Medicaid Program's coverage of chiropractic services 64161
under this section shall be limited to fifteen visits per adult 64162

Medicaid recipient per fiscal year. 64163

Section 309.30.70. MONEY FOLLOWS THE PERSON 64164

(A) Subject to division (B) of this section, the Director of 64165
Budget and Management may do any of the following in support of 64166
any home and community-based services waiver program: 64167

(1) Create new funds and account appropriation items to 64168
support and track funds associated with a unified long-term care 64169
budget; 64170

(2) Transfer funds among affected agencies and adjust 64171
corresponding appropriation levels; 64172

(3) Develop a reporting mechanism to show clearly how the 64173
funds are being transferred and expended. 64174

(B) Before an action may be taken under division (A) of this 64175
section, the Director shall present the proposed action to the 64176
Controlling Board. The Controlling Board shall review the proposed 64177
action and either approve or disapprove the action. The Director 64178
shall not implement the proposed action unless the action is 64179
approved by the Controlling Board. 64180

Section 309.30.90. MEDICAID ELIGIBILITY FOR PREGNANT WOMEN 64181

The Director of Job and Family Services shall, not later than 64182
ninety days after the effective date of this section, submit to 64183
the United States Secretary of Health and Human Services an 64184
amendment to the state Medicaid plan to increase to two hundred 64185
per cent of the federal poverty guidelines the income limit 64186
specified in division (A)(2) of section 5111.014 of the Revised 64187
Code. The increase shall be implemented not earlier than January 64188
1, 2008. 64189

***Section 309.30.95. MEDICAID BUY-IN ADVISORY COUNCIL** 64190

The Director of Job and Family Services shall call the 64191
Medicaid Buy-In Advisory Council established under section 64192
5111.708 of the Revised Code to meet for the first time not later 64193
than sixty days after the effective date of this section. 64194

Section 309.31.10. MEDICARE PART D 64195

The foregoing appropriation item 600-526, Medicare Part D, 64196
may be used by the Department of Job and Family Services for the 64197
implementation and operation of the Medicare Part D requirements 64198
contained in the "Medicare Prescription Drug, Improvement, and 64199
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 64200
the request of the Department of Job and Family Services, the 64201
Director of Budget and Management may increase the state share of 64202
appropriations in either appropriation item 600-525, Health 64203
Care/Medicaid, or appropriation item 600-526, Medicare Part D, 64204
with a corresponding decrease in the state share of the other 64205
appropriation item to allow the Department of Job and Family 64206
Services to implement and operate the new Medicare Part D 64207
requirements. If the state share of appropriation item 600-525, 64208
Health Care/Medicaid, is adjusted, the Director of Budget and 64209
Management shall adjust the federal share accordingly. 64210

**Section 309.31.13. INCREASE IN FISCAL YEAR 2008 DISPENSING 64211
FEE FOR MULTIPLE SOURCE DRUGS** 64212

(A) As used in this section, "multiple source drug" has the 64213
same meaning as in 42 U.S.C. 1396r-8(k)(7). 64214

(B) Not later than thirty days after the effective date of 64215
the regulation that the United States Secretary of Health and 64216
Human Services must promulgate under Section 6001(c)(3) of the 64217
"Deficit Reduction Act of 2005," Pub. L. No. 109-171, the Director 64218
of Job and Family Services shall analyze the fiscal impact that 64219
the federal upper reimbursement limits established under 42 U.S.C. 64220

1396r-8(e)(4), as amended by section 6001 of the "Deficit Reduction Act of 2005," will have on pharmacists in fiscal year 2008. The fiscal impact analysis shall include a projection of the revenue a pharmacist is expected to lose during fiscal year 2008 from each unit of multiple source drug dispensed to a Medicaid recipient.

(C) Notwithstanding section 5111.071 of the Revised Code, and subject to division (D) of this section, the Director shall, not later than ten days after completing the analysis required by division (B) of this section, increase the dispensing fee to be paid to pharmacists with a valid Medicaid provider agreement for dispensing a multiple source drug to a Medicaid recipient in fiscal year 2008. The amount of the increase shall be determined in a manner that compensates pharmacists for the loss of revenue the Director projects, under division (B) of this section, that pharmacists, on average, will incur during fiscal year 2008.

(D) The total amount the Director expends under division (C) of this section to pay the increase in the dispensing fee in fiscal year 2008 shall not exceed the total savings that the Medicaid program is projected to save in that year as a result of the changes to the federal upper reimbursement limits established in 42 U.S.C. 1396r-8(e)(4) that were enacted by section 6001 of the "Deficit Reduction Act of 2005."

Section 309.31.16. INCREASE IN FISCAL YEAR 2009 DISPENSING FEE FOR MULTIPLE SOURCE DRUGS

(A) As used in this section, "multiple source drug" has the same meaning as in 42 U.S.C. 1396r-8(k)(7).

(B) Not later than March 15, 2008, the Director of Job and Family Services shall analyze the fiscal impact that the federal upper reimbursement limits established under 42 U.S.C. 1396r-8(e)(4), as amended by section 6001 of the "Deficit

Reduction Act of 2005," Pub. L. No. 109-171, will have on 64252
pharmacists in fiscal year 2009. The fiscal impact analysis shall 64253
include a projection of the revenue a pharmacist is expected to 64254
lose during fiscal year 2009 from each unit of multiple source 64255
drug dispensed to a Medicaid recipient. 64256

(C) Notwithstanding section 5111.071 of the Revised Code and 64257
subject to division (D) of this section, the Director shall, not 64258
later than ten days after completing the analysis required under 64259
division (B) of this section, increase the dispensing fee to be 64260
paid to pharmacists with a valid Medicaid provider agreement for 64261
dispensing a multiple source drug to a Medicaid recipient in 64262
fiscal year 2009. The amount of the increase shall be determined 64263
in a manner that compensates pharmacists for the loss of revenue 64264
the Director projects, under division (B) of this section, that 64265
pharmacists, on average, will incur during fiscal year 2009. 64266

(D) The total amount the Director expends under division (C) 64267
of this section to pay the increase in the dispensing fee in 64268
fiscal year 2009 shall not exceed the total savings that the 64269
Medicaid program is projected to save in that fiscal year as a 64270
result of the changes to the federal upper reimbursement limits 64271
established in 42 U.S.C. 1396r-8(e)(4) that were enacted by 64272
section 6001 of the "Deficit Reduction Act of 2005." 64273

Section 309.31.20. RESIDENT PROTECTION FUND 64274

If the Director of Budget and Management determines that the 64275
Resident Protection Fund created in section 5111.62 of the Revised 64276
Code has a cash balance, less encumbrances and appropriations, of 64277
more than \$2,000,000, the Department of Job and Family Services or 64278
its designee may issue a competitive request for grant proposals 64279
to support projects that will benefit the residents of nursing 64280
facilities that have been found to have deficiencies. The 64281
directors of Job and Family Services, Health, and Aging or their 64282

designees shall determine priority categories for funding, make 64283
awards, and determine which of the three agencies should 64284
administer each grant. Based on these determinations, the Director 64285
of Budget and Management may transfer cash and appropriations 64286
matching the amount of each award to the appropriate agency. Any 64287
such transfers are hereby appropriated. 64288

Section 309.31.30. OHIO ACCESS SUCCESS PROJECT 64289

Notwithstanding any limitations in sections 3721.51 and 64290
3721.56 of the Revised Code, in each fiscal year, cash from Fund 64291
4J5, Home and Community-Based Services for the Aged, in excess of 64292
the amounts needed for the transfers may be used by the Department 64293
of Job and Family Services for the following purposes: (A) up to 64294
\$1.0 million in each fiscal year to fund the state share of audits 64295
of nursing facilities and intermediate care facilities for the 64296
mentally retarded; and (B) up to \$350,000 in each fiscal year to 64297
provide one-time transitional benefits under the Ohio Access 64298
Success Project that the Director of Job and Family Services may 64299
establish under section 5111.88 of the Revised Code. 64300

Section 309.31.40. TRANSFER OF FUNDS TO THE DEPARTMENT OF 64301
AGING 64302

The Department of Job and Family Services shall transfer, 64303
through intrastate transfer vouchers, cash from Fund 4J5, Home and 64304
Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in 64305
the Department of Aging. The sum of the transfers shall be 64306
\$33,263,984 in each fiscal year. The transfer may occur on a 64307
quarterly basis or on a schedule developed and agreed to by both 64308
departments. 64309

Section 309.31.50. PROVIDER FRANCHISE FEE OFFSETS 64310

(A) At least quarterly, the Director of Job and Family 64311

Services shall certify to the Director of Budget and Management 64312
both of the following: 64313

(1) The amount of offsets withheld under section 3721.541 of 64314
the Revised Code from payments made from the General Revenue Fund. 64315

(2) The amount of offsets withheld under section 5112.341 of 64316
the Revised Code from payments made from the General Revenue Fund. 64317

(B) The Director of Budget and Management may transfer cash 64318
from the General Revenue Fund to all of the following: 64319

(1) Fund 4J5, Home and Community Based Services/Aged Fund, or 64320
Fund 5R2, Nursing Facility Stabilization Fund, in accordance with 64321
sections 3721.56 and 3721.561 of the Revised Code; 64322

(2) Fund 4K1, ICF/MR Bed Assessments. 64323

(C) Amounts transferred pursuant to this section are hereby 64324
appropriated. 64325

Section 309.31.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF 64326
MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 64327

The Department of Job and Family Services shall transfer, 64328
through intrastate transfer vouchers, cash from Fund 4K1, ICF/MR 64329
Bed Assessments, to Fund 4K8, Home and Community-Based Services, 64330
in the Department of Mental Retardation and Developmental 64331
Disabilities. The amount transferred shall equal \$12,000,000 in 64332
each fiscal year. The transfer may occur on a quarterly basis or 64333
on a schedule developed and agreed to by both departments. 64334

Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES 64335

Notwithstanding any limitations contained in sections 5112.31 64336
and 5112.37 of the Revised Code, in each fiscal year, cash from 64337
Fund 4K1, ICF/MR Bed Assessments, in excess of the amounts needed 64338
for transfers to Fund 4K8, Home and Community-Based Services, in 64339
the Department of Mental Retardation and Developmental 64340

Disabilities, may be used by the Department of Job and Family Services to cover costs of care provided to participants in a waiver with an ICF/MR level of care requirement administered by the Department of Job and Family Services.

Section 309.31.80. PAYMENTS FROM THE DEPARTMENT OF EDUCATION FOR MEDICAID SERVICES

At the request of the Director of Job and Family Services, the Director of Budget and Management may increase the appropriation in appropriation item 600-639, Medicaid Revenue and Collections, by the amounts paid to the department pursuant to section 3317.023 of the Revised Code.

Section 309.31.90. HOSPITAL CARE ASSURANCE MATCH

Appropriation item 600-650, Hospital Care Assurance Match, shall be used by the Department of Job and Family Services solely for distributing funds to hospitals under section 5112.08 of the Revised Code.

Section 309.32.10. HEALTH CARE SERVICES ADMINISTRATION FUND

Of the amount received by the Department of Job and Family Services during fiscal year 2008 and fiscal year 2009 from the first installment of assessments paid under section 5112.06 of the Revised Code and intergovernmental transfers made under section 5112.07 of the Revised Code, the Director of Job and Family Services shall deposit \$350,000 in each fiscal year into the state treasury to the credit of the Health Care Services Administration Fund (Fund 5U3).

Section 309.32.20. MEDICAID PROGRAM SUPPORT FUND - STATE

The foregoing appropriation item 600-671, Medicaid Program Support, shall be used by the Department of Job and Family

Services to pay for Medicaid services and contracts. The 64369
Department may also deposit to Fund 5C9 revenues received from 64370
other state agencies for Medicaid services under the terms of 64371
interagency agreements between the Department and other state 64372
agencies, and all funds the Department recovers because the 64373
benefits a person received under the disability medical assistance 64374
program established in section 5115.10 of the Revised Code were 64375
determined to be covered by the Medicaid Program established under 64376
Chapter 5111. of the Revised Code. 64377

Section 309.32.30. TRANSFERS OF IMD/DSH CASH TO THE 64378
DEPARTMENT OF MENTAL HEALTH 64379

The Department of Job and Family Services shall transfer, 64380
through intrastate transfer voucher, cash from Fund 5C9, Medicaid 64381
Program Support, to the Department of Mental Health's Fund 4X5, 64382
OhioCare, in accordance with an interagency agreement that 64383
delegates authority from the Department of Job and Family Services 64384
to the Department of Mental Health to administer specified 64385
Medicaid services. 64386

Section 309.32.40. PRESCRIPTION DRUG REBATE FUND 64387

The foregoing appropriation item 600-692, Health Care 64388
Services, shall be used by the Department of Job and Family 64389
Services to pay for Medicaid services and contracts. 64390

Section 309.32.50. DISABILITY DETERMINATION PROCESS 64391

Based on the recommendations made by the Disability 64392
Determination Consolidation Study Council, the Rehabilitation 64393
Services Commission and the Department of Job and Family Services 64394
shall work together to reduce the duplication of activities 64395
performed by each agency and develop a systems interface so that 64396
medical information for mutual clients may be transferred between 64397

the agencies. 64398

Section 309.32.60. PRIMARY CARE ALTERNATIVE TREATMENT PROGRAM 64399

The Director of Job and Family Services, not later than 64400
January 1, 2008, shall submit a report to the General Assembly on 64401
the Primary Alternative Care Treatment Program. The report shall 64402
compare the average monthly medical costs of current participants 64403
in the program with the average monthly costs of those individuals 64404
prior to participation in the program. Not later than January 1, 64405
2009, the Director shall submit an additional report on the total 64406
cost savings achieved through the program. 64407

Section 309.32.70. PHARMACEUTICAL REPORT 64408

The Director of Job and Family Services, not later than one 64409
year after the effective date of this section, shall submit a 64410
report to the General Assembly on the effect of Medicare Part D 64411
and the care management system established under section 5111.16 64412
of the Revised Code on the Supplemental Drug Rebate Program 64413
established under section 5111.081 of the Revised Code. The report 64414
shall evaluate the changing cost of pharmaceuticals for which 64415
supplemental rebates are made under the Supplemental Drug Rebate 64416
Program as a result of the high volume of drug purchases being 64417
transferred to Medicare Part D. The report shall include a review 64418
of the use of generic drugs by Medicaid recipients and cost 64419
savings to be achieved by increasing the use of generic drugs. 64420

Section 309.40. FAMILY STABILITY 64421

Section 309.40.10. WAIVER OF FOOD STAMP WORK REQUIREMENTS 64422

Pursuant to 7 U.S.C. 2015(o)(4)(A)(i), the Department of Job 64423
and Family Services shall request that the United States Secretary 64424
of Agriculture waive the applicability of the work requirement of 64425

7 U.S.C. 2015(o)(2) during fiscal years 2008 and 2009 to food 64426
stamp benefit recipients who reside in a county of this state that 64427
the Department determines has an unemployment rate of over 10 per 64428
cent or does not have a sufficient number of jobs to provide 64429
employment for the recipients. 64430

Section 309.40.20. FOOD STAMPS TRANSFER 64431

On July 1, 2007, or as soon as possible thereafter, the 64432
Director of Budget and Management may transfer up to \$1,000,000 in 64433
cash from Fund 384, Food Stamp Program, to Fund 5ES, Food 64434
Assistance. 64435

Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD 64436
BANKS 64437

As used in this section, "federal poverty guidelines" has the 64438
same meaning as in section 5101.46 of the Revised Code. 64439

Notwithstanding section 5101.46 of the Revised Code, the 64440
Department of Job and Family Services shall provide \$5,500,000 in 64441
each fiscal year from the foregoing appropriation item 600-651, 64442
Second Harvest Food Banks, and \$1,000,000 in each fiscal year from 64443
the foregoing appropriation item 600-659, TANF/Title XX Transfer 64444
(Fund 3W3), to the Ohio Association of Second Harvest Food Banks. 64445
The Department shall enter into a grant agreement with the Ohio 64446
Association of Second Harvest Food Banks to allow for the purchase 64447
of food and personal care products and the distribution of those 64448
products to agencies participating in the emergency food 64449
distribution program. Notwithstanding section 5101.46 of the 64450
Revised Code, the grant may permit the Ohio Association of Second 64451
Harvest Food Banks to use up to 5 per cent of the annual funding 64452
for administrative costs. As soon as possible after entering into 64453
a grant agreement at the beginning of each fiscal year, the 64454
Department may advance grant funds to the grantee under section 64455

5101.10 of the Revised Code and in accordance with federal law. 64456

Prior to entering into the grant agreement, the Ohio 64457
Association of Second Harvest Food Banks shall submit to the 64458
Department for approval a plan for the distribution of the food 64459
and personal care products to local food distribution agencies. If 64460
the plan meets the requirements and conditions established by the 64461
Department, the plan shall be incorporated into the grant 64462
agreement. The grant agreement shall also require the Ohio 64463
Association of Second Harvest Food Banks to ensure that local 64464
agencies will limit participation of individuals and families who 64465
receive any of the food and personal care products purchased with 64466
these funds to those who have an income at or below 200 per cent 64467
of the federal poverty guidelines. The Department and the Ohio 64468
Association of Second Harvest Food Banks shall agree on reporting 64469
requirements to be incorporated into the grant agreement, 64470
including a statement of expected performance outcomes from the 64471
Ohio Association of Second Harvest Food Banks and a requirement 64472
for their evaluation of their success in achieving those outcomes. 64473

Section 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE 64474

The foregoing appropriation item 600-658, Child Support 64475
Collections, shall be used by the Department of Job and Family 64476
Services to meet the TANF maintenance of effort requirements of 42 64477
U.S.C. 609(a)(7). When the state is assured that it will meet the 64478
maintenance of effort requirement, the Department of Job and 64479
Family Services may use funds from appropriation item 600-658, 64480
Child Support Collections, to support child support activities. 64481

Section 309.40.40. TANF INITIATIVES 64482

The Department of Job and Family Services, in accordance with 64483
sections 5101.80 and 5101.801 of the Revised Code, shall take the 64484
steps necessary, through interagency agreement, adoption of rules, 64485

or otherwise as determined by the Department, to implement and 64486
administer the Title IV-A programs identified in this section. 64487

KINSHIP PERMANENCY INCENTIVE PROGRAM 64488

Of the foregoing appropriation item 600-689, TANF Block Grant 64489
(Fund 3V6), up to \$10 million per fiscal year shall be used to 64490
support the activities of the Kinship Permanency Incentive Program 64491
created under section 5101.802 of the Revised Code. 64492

The Department of Job and Family Services shall prepare 64493
reports concerning both of the following: 64494

(A) Stability and permanency outcomes for children for whom 64495
incentive payments are made under the Kinship Permanency Incentive 64496
Program; 64497

(B) The total amount of payments made under the Program, 64498
patterns of expenditures made per child under the Program, and 64499
cost savings realized through the Program from placement with 64500
kinship caregivers rather than other out-of-home placements. 64501

The Department shall submit a report to the Governor, the 64502
Speaker and Minority Leader of the House of Representatives, and 64503
the President and Minority Leader of the Senate not later than 64504
December 31, 2008, and December 31, 2010. 64505

OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 64506

Of the foregoing appropriation item 600-689, TANF Block Grant 64507
(Fund 3V6), the Department of Job and Family Services shall use up 64508
to \$2,000,000 in each fiscal year to support expenditures of the 64509
Ohio Alliance of Boys and Girls Clubs pursuant to section 5101.801 64510
of the Revised Code to provide after-school programs that protect 64511
at-risk children and enable youth to become responsible adults. 64512
The Ohio Alliance of Boys and Girls Clubs shall provide 64513
nutritional meals, snacks, and educational, youth development, and 64514
career development services to TANF eligible children 64515

participating in programs and activities operated by eligible Boys and Girls Clubs. 64516
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Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), the Department of Job and Family Services shall use up to \$1,400,000 in each fiscal year to support expenditures of the Ohio Alliance of Boys and Girls Clubs pursuant to section 5101.801 of the Revised Code for the For Kids Sake Ohio program. 64518
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The Department of Job and Family Services and the Ohio Alliance of Boys and Girls Clubs shall agree on reporting requirements to be incorporated into the grant agreements. 64523
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SUMMER AND AFTER-SCHOOL PROGRAMS 64526

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), the Department of Job and Family Services shall use up to \$10,000,000 in each fiscal year to support summer and after-school programs and services for TANF eligible youth served through community-based organizations, faith-based organizations, and schools pursuant to section 5101.801 of the Revised Code to provide academic support not available during the regular school day, nutrition, transportation, youth development activities, drug and violence prevention programs, counseling programs, technology education, and character education programs. 64527
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CHILDREN'S HUNGER ALLIANCE 64537

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$1,000,000 in each fiscal year shall be reimbursed to the Children's Hunger Alliance pursuant to section 5101.801 of the Revised Code for Child Nutrition Program outreach efforts. 64538
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SCHOOL READINESS ENRICHMENT 64543

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$6,500,000 in each fiscal year shall be used for 64544
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TANF eligible activities pursuant to section 5101.801 of the Revised Code to provide intervention services to prepare children for kindergarten.	64546 64547 64548
FOOD BANKS	64549
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$1,500,000 in each fiscal year shall be used to reimburse the Ohio network of food banks pursuant to section 5101.801 of the Revised Code for purchases and distribution of food products.	64550 64551 64552 64553 64554
GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES	64555
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$13,000,000 in each fiscal year shall be used to reimburse the Governor's Office for Faith-Based and Community Initiatives pursuant to section 5101.801 of the Revised Code for projects designed to serve the state's most vulnerable citizens.	64556 64557 64558 64559 64560
ADOPTION PROMOTION	64561
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$5,000,000 in each fiscal year shall be used for TANF eligible activities pursuant to section 5101.801 of the Revised Code to provide additional support for initiatives aimed at increasing the number of adoptions including recruiting, promoting, and supporting adoptive families.	64562 64563 64564 64565 64566 64567
INDEPENDENT LIVING INITIATIVES	64568
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.	64569 64570 64571 64572 64573 64574 64575

CLOSING THE ACHIEVEMENT GAP 64576

Of the foregoing appropriation item 600-689, TANF Block Grant 64577
(Fund 3V6), up to \$10,000,000 in each fiscal year shall be used 64578
for TANF eligible activities pursuant to section 5101.801 of the 64579
Revised Code to provide intervention services aimed at improving 64580
the African-American male graduation rate. 64581

FREESTORE FOODBANK - BARIS PROGRAM 64582

Of the foregoing appropriation item 600-689, TANF Block Grant 64583
(Fund 3V6), up to \$800,000 in fiscal year 2008 shall be used to 64584
reimburse, in accordance with section 5101.801 of the Revised 64585
Code, the Freestore Foodbank for continuation of the Benefits 64586
Acquisition Results in Self Sufficiency (BARIS) project. 64587

FAMILY SERVICE OF THE CINCINNATI AREA 64588

Of the foregoing appropriation item 600-689, TANF Block Grant 64589
(Fund 3V6), up to \$25,000 in each fiscal year shall be used to 64590
reimburse, in accordance with section 5101.801 of the Revised 64591
Code, Family Service of the Cincinnati Area for the International 64592
Family Resource Center program. 64593

PARENT MENTORS 64594

Of the foregoing appropriation item 600-689, TANF Block Grant 64595
(Fund 3V6), up to \$250,000 in fiscal year 2008 shall be used to 64596
reimburse the Department of Education pursuant to section 5101.801 64597
of the Revised Code for providing funding for an additional ten 64598
parent mentors. This additional support for parent mentors shall 64599
be aimed at increasing support for parents with children who have 64600
special needs, thereby reducing stress on the family and 64601
encouraging the maintenance of two parent families. Such funding 64602
shall be in addition to that which is provided for parent 64603
mentoring programs in GRF appropriation item 200-540, Special 64604
Education Enhancements, in the Department of Education. 64605

ACCOUNTABILITY AND CREDIBILITY TOGETHER	64606
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.	64607 64608 64609 64610 64611
AMERICAN ACADEMY OF PEDIATRICS	64612
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$100,000 in each fiscal year 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.	64613 64614 64615 64616 64617
HOME WEATHERIZATION	64618
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.	64619 64620 64621 64622 64623
PROVIDENCE HOUSE	64624
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.	64625 64626 64627 64628 64629
BUTLER COUNTY SUCCESS PLAN	64630
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.	64631 64632 64633 64634
AMERICAN RED CROSS-GREATER CLEVELAND CHAPTER AND THE BEREA	64635

CHILDREN'S HOME AND FAMILY SERVICES 64636

Of the foregoing appropriation item 600-689, TANF Block 64637
Grant, up to \$2,063,000 in fiscal year 2008 shall be used to 64638
reimburse the American Red Cross-Greater Cleveland Chapter and the 64639
Berea Children's Home and Family Services in accordance with 64640
section 5101.801 of the Revised Code, for enrolling TANF eligible 64641
individuals in the Northeast Ohio Nurse Assistant Training 64642
Program, which will lead to employment opportunities in the 64643
healthcare field in a ten-county region. 64644

CENTER FOR FAMILIES AND CHILDREN RAPART YOUTH FELLOWSHIP 64645
PROGRAM 64646

Of the foregoing appropriation item 600-689, TANF Block 64647
Grant, up to \$246,128 in fiscal year 2008 and up to \$246,128 in 64648
fiscal year 2009 shall be used to reimburse the Center for 64649
Families and Children RapArt Youth Fellowship Program in 64650
accordance with section 5101.801 of the Revised Code for providing 64651
an after-school program that supports at-risk young adults and 64652
enables youth to become responsible adults. 64653

TALBERT HOUSE 64654

Of the foregoing appropriation item 600-689, TANF Block Grant 64655
(Fund 3V6), up to \$100,000 in each fiscal year shall be used to 64656
reimburse, in accordance with section 5101.801 of the Revised 64657
Code, the Talbert House for providing TANF eligible non-medical 64658
behavioral health services. 64659

TANF EDUCATIONAL AWARDS PROGRAM 64660

Of the foregoing appropriation item 600-689, TANF Block Grant 64661
(Fund 3V6), up to \$2,000,000 in each fiscal year shall be used to 64662
reimburse the Ohio Board of Regents pursuant to section 5101.801 64663
of the Revised Code for initiatives addressing postsecondary 64664
tuition and educational expenses not covered by other grant 64665
programs that target low-income students. 64666

CHABAD HOUSE 64667

Of the foregoing appropriation item 600-689, TANF Block Grant 64668
(Fund 3V6), up to \$125,000 in each fiscal year shall be used to 64669
reimburse, in accordance with section 5101.801 of the Revised 64670
Code, the Chabad House for the Friendship Circle program. 64671

COURT CLINIC FORENSIC SERVICES 64672

Of the foregoing appropriation 600-689, TANF Block Grant 64673
(Fund 3V6), up to \$100,000 in each fiscal year shall be used to 64674
reimburse, in accordance with section 5101.801 of the Revised 64675
Code, Court Clinic Forensic Services for establishment of an 64676
intense program of education, job training, and job placement to 64677
divert women from local jails and state prisons and to reduce 64678
recidivism. 64679

BIG BROTHERS BIG SISTERS 64680

Of the foregoing appropriation item 600-689, TANF Block Grant 64681
(Fund 3V6), up to \$250,000 in fiscal year 2008 and up to \$750,000 64682
in fiscal year 2009 shall be used to reimburse Big Brothers Big 64683
Sisters of Central Ohio, in accordance with section 5101.801 of 64684
the Revised Code, for child mentoring services. 64685

WECO HOME PROGRAM 64686

Of the foregoing appropriation item 600-689, TANF Block Grant 64687
(Fund 3V6), up to \$1,000,000 in each fiscal year shall be used to 64688
reimburse, in accordance with section 5101.801 of the Revised 64689
Code, WECO Fund, Inc., for an individual development account 64690
program that helps participants purchase homes. 64691

HOME ENERGY ASSISTANCE PROGRAM 64692

The Department of Job and Family Services shall transfer, 64693
through intrastate transfer voucher, \$45,000,000 in cash in fiscal 64694
year 2008 and \$15,000,000 in fiscal year 2009 from Fund 3V6, TANF 64695
Block Grant, to Fund 3BJ, TANF Heating Assistance, in the 64696

Department of Development, in accordance with an interagency 64697
agreement. The Departments of Job and Family Services and 64698
Development shall enter into an interagency agreement for 64699
providing reimbursement to the Department of Development to 64700
administer the Title IV-A funded Home Energy Assistance Program 64701
(HEAP), which provides assistance with home energy fuel costs to 64702
needy families with children. 64703

If the Department of Development receives approval for a 64704
federal waiver to increase the percentage of the Home Energy Block 64705
Grant that may be used for weatherization to sixteen and one-half 64706
per cent in fiscal year 2008 and seventeen and one-half per cent 64707
in fiscal year 2009, the Department of Job and Family Services 64708
shall increase the amount of reimbursement to the Department of 64709
Development from Fund 3V6, TANF Block Grant, for the Title IV-A 64710
funded Home Energy Assistance Program by an amount equal to the 64711
additional amounts used for weatherization under the federal 64712
waiver. 64713

The directors of Job and Family Services and Development 64714
shall seek Controlling Board approval to adjust the appropriations 64715
for appropriation item 600-689, TANF Block Grant, in the 64716
Department of Job and Family Services and appropriation item 64717
195-685, TANF Heating Assistance, in the Department of 64718
Development, as needed to carry out the purposes described in the 64719
preceding paragraph. 64720

Section 309.40.60. EARLY LEARNING INITIATIVE 64721

(A) As used in this section: 64722

(1) "Title IV-A services" means benefits and services that 64723
are allowable under Title IV-A of the "Social Security Act," as 64724
specified in 42 U.S.C. 604(a), except that they shall not be 64725
benefits and services included in the term "assistance" as defined 64726
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 64727

excluded from the definition of the term "assistance" under 45 64728
C.F.R. 260.31(b). 64729

(2) "Title IV-A funds" means funds provided under the 64730
temporary assistance for needy families block grant established by 64731
Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 64732
U.S.C. 601, as amended. 64733

(3) "Eligible child" means a child who is at least three 64734
years of age but not of compulsory school age or enrolled in 64735
kindergarten, is eligible for Title IV-A services, and whose 64736
family income at the time of application does not exceed one 64737
hundred eighty-five per cent of the federal poverty line in fiscal 64738
year 2008 or two hundred per cent of the federal poverty line in 64739
fiscal year 2009. 64740

(4) "Early learning program" means a program for eligible 64741
children that is funded with Title IV-A funds and provides Title 64742
IV-A services, according to the purposes listed in 45 C.F.R. 64743
260.20(c), that are early learning services, as defined by 64744
pursuant to division (D)(1) of this section. 64745

(5) "Early learning provider" means an entity that is 64746
receiving Title IV-A funds to operate an early learning program. 64747

(6) "Early learning agency" means an early learning provider 64748
or an entity that has entered into an agreement with an early 64749
learning provider requiring the early learning provider to operate 64750
an early learning program on behalf of the entity. 64751

(7) "Federal poverty line" has the same meaning as in section 64752
5104.01 of the Revised Code. 64753

(8) "Of compulsory school age" has the same meaning as in 64754
section 3321.01 of the Revised Code. 64755

(B) The Early Learning Initiative is hereby established. The 64756
Department of Education and the Department of Job and Family 64757

Services shall administer the Initiative in accordance with 64758
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 64759
shall provide early learning services to eligible children. Early 64760
learning programs may provide early learning services on a 64761
full-day basis, a part-day basis, or both a full-day and part-day 64762
basis. 64763

(C) The Department of Job and Family Services shall do both 64764
of the following: 64765

(1) Reimburse early learning agencies for Title IV-A services 64766
provided to eligible children according to the terms of the 64767
contract and the rules adopted under division (C)(2) of this 64768
section; 64769

(2) In consultation with the Department of Education, adopt 64770
rules in accordance with Chapter 119. of the Revised Code to 64771
implement the Early Learning Initiative. The rules shall include 64772
all of the following: 64773

(a) Provisions regarding the establishment of co-payments for 64774
families of eligible children whose family income is more than one 64775
hundred sixty-five per cent of the federal poverty line but equal 64776
to or less than the maximum amount of family income authorized for 64777
an eligible child as defined in division (A)(3) of this section; 64778

(b) An exemption from co-payment requirements for families 64779
whose family income is equal to or less than one hundred 64780
sixty-five per cent of the federal poverty line; 64781

(c) A definition of "enrollment" for the purpose of 64782
compensating early learning agencies; 64783

(d) Provisions that establish compensation rates for early 64784
learning agencies based on the enrollment of eligible children. 64785

(D) The Department of Education shall do all of the 64786
following: 64787

(1) Define the early learning services that will be provided to eligible children through the Early Learning Initiative; 64788
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(2) In consultation with the Department of Job and Family Services, develop an application form and criteria for the selection of early learning agencies. The criteria shall require an early learning agency, or each early learning provider with which the agency has entered into an agreement for the operation of an early learning program on the agency's behalf, to be licensed or certified by the Department of Education under sections 3301.52 to 3301.59 of the Revised Code or by the Department of Job and Family Services under Chapter 5104. of the Revised Code; 64790
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(3) Establish early learning program guidelines for school readiness to assess the operation of early learning programs. 64800
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(E) Any entity that seeks to be an early learning agency shall apply to the Department of Education by a deadline established by the Department. The Department of Education shall select entities that meet the criteria established under division (D)(2) of this section to be early learning agencies. Upon selection of an entity to be an early learning agency, the Department of Education shall designate the number of eligible children the agency may enroll. The Department of Education shall notify the Department of Job and Family Services of the number so designated. 64802
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(F) The Department of Education and the Department of Job and Family Services shall enter into a contract with each early learning agency selected under division (E) of this section. The requirements of section 127.16 of the Revised Code do not apply to contracts entered into under this section. The contract shall outline the terms and conditions applicable to the provision of Title IV-A services for eligible children and shall include at least the following: 64812
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(1) The respective duties of the early learning agency, the Department of Education, and the Department of Job and Family Services;	64820 64821 64822
(2) Requirements applicable to the allowable use of and accountability for Title IV-A compensation paid under the contract;	64823 64824 64825
(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;	64826 64827 64828 64829
(4) The compensation schedule payable under the contract;	64830
(5) Audit requirements;	64831
(6) Provisions for suspending, modifying, or terminating the contract.	64832 64833
(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 substandard 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.	64834 64835 64836 64837 64838 64839 64840 64841
(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.	64842 64843 64844 64845 64846 64847
(I) Each early learning program shall do all of the following:	64848 64849

(1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;	64850 64851
(2) Align curriculum to the early learning content standards;	64852
(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that apply to the program;	64853 64854
(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 per biennium of professional development as prescribed by the Department of Education regarding the implementation of early learning program guidelines for school readiness;	64855 64856 64857 64858 64859 64860
(5) Document and report child progress;	64861
(6) Meet and report compliance with the early learning program guidelines for school success;	64862 64863
(7) Participate in early language and literacy classroom observation evaluation studies.	64864 64865
(J) Each county Department of Job and Family Services shall determine eligibility for Title IV-A services for children seeking to enroll in an early learning program within fifteen days after receipt of a completed application in accordance with rules adopted under this section.	64866 64867 64868 64869 64870
(K) The provision of early learning services in an early learning program shall not prohibit or otherwise prevent an individual from obtaining certificates for payment under division (C) of section 5104.32 of the Revised Code.	64871 64872 64873 64874
(L) Notwithstanding section 126.07 of the Revised Code:	64875
(1) Any fiscal year 2008 contract executed prior to July 1, 2007, between the Departments of Job and Family Services and Education and an early learning agency that was not an early learning agency as of June 30, 2007, shall be deemed to be	64876 64877 64878 64879

effective as of July 1, 2007, upon issuance of a state purchase order, even if the purchase order is approved at some later date. 64880
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(2) Any fiscal year 2008 contract executed between the Departments of Job and Family Services and Education and an early learning agency that had a valid contract for early learning services on June 30, 2007, shall be deemed to be effective as of July 1, 2007, upon the issuance of a state purchase order, even if the purchase order is approved at some later date. 64882
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(3) Any fiscal year 2009 contract executed prior to July 1, 2008, between the Departments of Job and Family Services and Education and an early learning agency that was not an early learning agency as of June 30, 2008, shall be deemed to be effective as of July 1, 2008, upon issuance of a state purchase order, even if the purchase order is approved at some later date. 64888
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(4) Any fiscal year 2009 contract executed between the Departments of Job and Family Services and Education and an early learning agency that had a valid contract for early learning services on June 30, 2008, shall be deemed to be effective as of July 1, 2008, upon the issuance of a state purchase order, even if the purchase order is approved at some later date. 64894
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(M) Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$125,256,000 shall be used in each fiscal year to compensate early learning agencies under this section. The Departments of Job and Family Services and Education shall contract for up to 12,000 enrollment slots for eligible children in each fiscal year through the Early Learning Initiative. 64900
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(N) Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$800,000 in each fiscal year may be used by the Department of Job and Family Services for administration of the Early Learning Initiative. 64906
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(O) Up to \$2,200,000 in each fiscal year may be used by the 64910

Department of Education to perform administrative functions for 64911
the Early Learning Initiative. The Department of Job and Family 64912
Services shall transfer, through intrastate transfer vouchers, 64913
cash from Fund 3V6, TANF Block Grant, to Fund 5W2, Early Learning 64914
Initiative, in the Department of Education. The amount transferred 64915
shall not exceed \$2,200,000 in fiscal year 2008 and \$2,200,000 in 64916
fiscal year 2009. The transfer shall occur on a reimbursement 64917
basis on a schedule developed and agreed to by both departments. 64918

Section 309.50. CHILDREN AND FAMILIES 64919

Section 309.50.03. FOSTER CARE REFORM 64920

Of the foregoing appropriation item 600-423, Office of 64921
Children and Families, \$1,300,000 in each fiscal year shall be 64922
used to pay for foster care audit workers and related 64923
administrative expenses for state staff. 64924

Of the foregoing appropriation item 600-523, Children and 64925
Families Services, \$9,100,000 in each fiscal year shall be 64926
provided to counties for foster care related expenses, including, 64927
but not limited to, upfront services, counseling, intake workers, 64928
foster care staff, case workers, and trainers. 64929

Section 309.50.10. CHILD WELFARE TRAINING INITIATIVE 64930

In each fiscal year, the Department of Job and Family 64931
Services shall grant \$50,000 from appropriation item 600-528, 64932
Adoption Services, and \$150,000 from appropriation item 600-606, 64933
Child Welfare (Fund 327), to the National Center for Adoption Law 64934
and Policy to fund a multi-disciplinary child welfare training 64935
initiative. The Department of Job and Family Services shall 64936
coordinate with the National Center for Adoption Law and Policy to 64937
determine the focus of the training provided each year. 64938

ADOPTION LAWSITE INITIATIVE 64939

In each fiscal year, the Department of Job and Family Services shall grant \$37,500 from appropriation item 600-528, Adoption Services, and \$112,500 from appropriation item 600-606, Child Welfare (Fund 327), to the National Center for Adoption Law and Policy to fund expansion of the Adoption LawSite Initiative.

Section 309.50.20. CHILDREN'S TRUST FUND

Notwithstanding sections 3109.13 to 3109.18 of the Revised Code, in each fiscal year, the Director of Budget and Management shall transfer \$1,500,000 cash from the Children's Trust Fund (Fund 198) in the Department of Job and Family Services to the Partnerships for Success Fund (Fund 5BH) in the Department of Youth Services.

Section 309.50.50. VISITING NURSE ASSOCIATION - READY SENIORS

Notwithstanding section 5101.46 of the Revised Code and prior to allocations for administration and training, of the foregoing appropriation item 600-620, Social Services Block Grant, up to \$250,000 in each fiscal year shall be reimbursed to the Visiting Nurses Association of Cleveland, pursuant to a grant agreement entered into by the Visiting Nurses Association of Cleveland and the Department of Job and Family Services, for costs of expanding the Ready Seniors software program that are allowable under state and federal law governing the use of the Block Grant.

Section 309.50.60. CHILD PLACEMENT LEVEL OF CARE TOOL PILOT

(A) The Department of Job and Family Services shall develop, implement, and oversee use of a Child Placement Level of Care Tool on a pilot basis. The Department shall implement the pilot program in Cuyahoga County and not more than nine additional counties selected by the Department. The pilot program shall be developed by the participating counties and must be acceptable to all

participating counties. A selected county must agree to participate in the pilot program.

(B) The pilot program shall begin not later than July 1, 2008, and end not later than December 31, 2009. The length of the program shall not include any time expended in preparation for implementation or any post-pilot program evaluation activity.

(C)(1) In accordance with sections 125.01 to 125.11 of the Revised Code, the Department of Job and Family Services shall designate a person to independently evaluate the pilot program to rate the program's success in the following areas:

(a) Placement stability, length of stay, and other outcomes for children;

(b) Cost;

(c) Worker satisfaction;

(d) Any other criteria the Department determines will be useful in the consideration of statewide implementation.

(2) The evaluation design shall include:

(a) A comparison of data to historical outcomes or control counties;

(b) A retrospective data review of Cuyahoga County's use of the tool;

(c) A prospective data evaluation in each of the ten pilot counties.

(D) The Department of Mental Health shall conduct a study of a sample of the children placed using the Child Placement Level of Care Tool, which shall run concurrent with the Department of Job and Family Services Child Placement Level of Care Tool pilot program. This study shall evaluate outcomes from the initial and regular administration of the Ohio Scales Tool and changes in the level of children's functioning over time. The Department of

Mental Health shall seek maximum federal financial participation 64999
to conduct the Ohio Scales Tool evaluation. Upon completion of the 65000
study, the Department of Mental Health shall send a copy of the 65001
results of the study to the independent evaluator designated under 65002
division (C) of this section. 65003

(E) The independent evaluator of the Child Placement Level of 65004
Care Tool designated under division (C) of this section shall 65005
compare the evaluation of the Child Placement Level of Care Tool 65006
conducted pursuant to division (C) of this section to the study of 65007
the Ohio Scales Tool conducted under division (D) of this section. 65008
The comparison shall focus on analyzing any correlations between 65009
the placement stability outcomes associated with the Level of Care 65010
Tool and the behavioral health level of functioning outcomes 65011
associated with the Ohio Scales Tool. The independent evaluator 65012
shall send a copy of the evaluator's initial evaluation of the 65013
Child Placement Level of Care Tool, the Department of Mental 65014
Health study, and the comparison to the Department of Job and 65015
Family Services. 65016

(F) The Department of Job and Family Services may adopt rules 65017
in accordance with section 111.15 of the Revised Code, as if they 65018
were internal management rules, as necessary to carry out the 65019
purposes of this section. The Department shall seek maximum 65020
federal financial participation to support the pilot and the 65021
evaluation. 65022

(G) Notwithstanding division (E) of section 5101.141 of the 65023
Revised Code, the Department of Job and Family Services shall use 65024
up to \$1,000,000 of appropriation item 600-663, Children and 65025
Family Support, over the biennium to implement the Child Placement 65026
Level of Care Tool pilot program described in this section and to 65027
contract for the independent evaluation of the pilot program. 65028

(H) As used in this section: 65029

(1) "Child Placement Level of Care Tool" means an assessment tool to be developed by the participating counties to assess a child's placement needs when a child must be removed from the child's own home and cannot be placed with a relative or kin that includes assessing a child's behavior, history, psychological state, and the involvement of service systems.

(2) "Ohio Scales Tool" means the Ohio Youth Problems, Functioning, and Satisfaction Scales used by the Ohio Department of Mental Health to measure outcomes for youth ages five to eighteen who receive mental health services.

Section 309.50.70. OHIO BENEFIT BANK

Of the foregoing appropriation item 600-659, TANF/Title XX, up to \$299,276 in fiscal year 2008 and up to \$472,366 in fiscal year 2009 shall be used by the Governor's Office of Faith-Based and Community Initiatives to support the Ohio Benefit Bank, a web-enabled, counselor-assisted, program for low- and moderate-income Ohioans.

Section 309.70. WORKFORCE DEVELOPMENT

Section 309.70.10. TRANSFER TO THE MILITARY INJURY RELIEF FUND

In each year of the biennium, the Director of Job and Family Services shall certify to the Director of Budget and Management the total amount of incentive grants deposited into Fund 331, Federal Operating, on behalf of state and county employees and other individuals, entities, and persons with exemplary service to veterans under an approved employment service delivery program defined in the "Jobs for Veterans Act," 116 Stat. 2033 (2002), as approved by the United States Department of Labor. The Director of Budget and Management shall transfer cash equal to the amount

certified by the Director of Job and Family Services from Fund 331 65059
to Fund 5DB, Military Injury Relief Fund. The transferred funds 65060
shall be used to support grants to eligible individuals under 65061
section 5101.98 of the Revised Code and rules adopted in 65062
accordance with that section. 65063

Section 309.70.20. WORKFORCE DEVELOPMENT GRANT AGREEMENT 65064

The Department of Job and Family Services may use 65065
appropriations from appropriation item 600-688, Workforce 65066
Investment Act, to provide financial assistance for workforce 65067
development activities included in a grant agreement entered into 65068
by the department in accordance with section 5101.20 of the 65069
Revised Code. 65070

OHIO STATE APPRENTICESHIP COUNCIL 65071

Of the foregoing appropriation item 600-688, Workforce 65072
Investment Act, up to \$1,900,000 in fiscal year 2008 and up to 65073
\$2,200,000 in fiscal year 2009 may be used to support the 65074
activities of the Ohio State Apprenticeship Council. 65075

YOUTH EMPLOYMENT PROGRAMS 65076

Of the foregoing appropriation item 600-688, Workforce 65077
Investment Act, up to \$6,000,000 over the biennium shall be used 65078
for competitive grants to eight major urban centers and four other 65079
locations, at least two of which are rural, to provide strategies 65080
and programs that meet the needs of at-risk youth. The program 65081
shall target youth who have disengaged from the education system 65082
and youthful offenders who will be returning to their communities. 65083
Eligible grant applications include governmental units, workforce 65084
investment boards, and not-for-profit and for-profit entities. 65085
Grant funds may be used for youth wages and benefits, supervisory 65086
costs, training and support costs, and infrastructure expenses. 65087
Grant funds may not be used for construction or renovation of 65088

facilities.	65089
THIRD FRONTIER INTERNSHIP PROGRAM	65090
Of the foregoing appropriation item 600-688, Workforce	65091
Investment Act, \$1,500,000 in each fiscal year shall be used to	65092
support the Third Frontier Internship program.	65093
NURSE EDUCATION ASSISTANCE	65094
Of the foregoing appropriation item 600-688, Workforce	65095
Investment Act, \$700,000 in each fiscal year shall be used to	65096
support the Nurse Education Assistance program described in	65097
division (C)(1)(a) of section 3333.28 of the Revised Code.	65098
Section 309.80. UNEMPLOYMENT COMPENSATION	65099
Section 309.80.10. EMPLOYER SURCHARGE	65100
The surcharge and the interest on the surcharge amounts due	65101
for calendar years 1988, 1989, and 1990 as required by Am. Sub.	65102
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the	65103
118th General Assembly, and section 4141.251 of the Revised Code	65104
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd	65105
General Assembly, again shall be assessed and collected by,	65106
accounted for, and made available to the Department of Job and	65107
Family Services in the same manner as set forth in section	65108
4141.251 of the Revised Code as it existed prior to its repeal by	65109
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the	65110
repeal of the surcharge for calendar years after 1990, pursuant to	65111
Sub. H.B. 478 of the 122nd General Assembly, except that amounts	65112
received by the Director on or after July 1, 2001, shall be	65113
deposited into the Unemployment Compensation Special	65114
Administrative Fund (Fund 4A9) established pursuant to section	65115
4141.11 of the Revised Code.	65116
Section 309.80.20. FEDERAL UNEMPLOYMENT PROGRAMS	65117

All unexpended funds remaining at the end of fiscal year 2007 65118
that were appropriated and made available to the state under 65119
section 903(d) of the Social Security Act, as amended, in the 65120
foregoing appropriation item 600-678, Federal Unemployment 65121
Programs (Fund 3V4), are hereby appropriated to the Department of 65122
Job and Family Services. Upon the request of the Director of Job 65123
and Family Services, the Director of Budget and Management may 65124
increase the appropriation for fiscal year 2008 by the amount 65125
remaining unspent from the fiscal year 2007 appropriation and may 65126
increase the appropriation for fiscal year 2009 by the amount 65127
remaining unspent from the fiscal year 2008 appropriation. The 65128
appropriation shall be used under the direction of the Department 65129
of Job and Family Services to pay for administrative activities 65130
for the Unemployment Insurance Program, employment services, and 65131
other allowable expenditures under section 903(d) of the Social 65132
Security Act, as amended. 65133

The amounts obligated pursuant to this section shall not 65134
exceed at any time the amount by which the aggregate of the 65135
amounts transferred to the account of the state under section 65136
903(d) of the Social Security Act, as amended, exceeds the 65137
aggregate of the amounts obligated for administration and paid out 65138
for benefits and required by law to be charged against the amounts 65139
transferred to the account of the state. 65140

Section 309.80.30. TIME-LIMITED MEDICAID PROVIDER AGREEMENTS 65141

Each Medicaid provider agreement that is not time-limited on 65142
the effective date of section 5111.028 of the Revised Code, as 65143
enacted by this act, shall be converted by the Department of Job 65144
and Family Services into a time-limited provider agreement. The 65145
converted provider agreement shall expire three years from 65146
effective date of the conversion. The Department shall notify the 65147
provider in writing that provider agreement has been converted 65148

into a time-limited provider agreement. 65149

Notwithstanding division (B) of section 5111.06 of the 65150
Revised Code, the Department is not required to issue an order 65151
pursuant to an adjudication conducted in accordance with Chapter 65152
119. of the Revised Code when converting a provider agreement 65153
under this section. 65154

Section 311.10. JCO JUDICIAL CONFERENCE OF OHIO 65155

General Revenue Fund 65156

GRF 018-321 Operating Expenses	\$	985,710	\$	1,015,281	65157
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TOTAL GRF General Revenue Fund	\$	985,710	\$	1,015,281	65158
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General Services Fund Group 65159

403 018-601 Ohio Jury Instructions	\$	350,000	\$	350,000	65160
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TOTAL GSF General Services Fund	\$	350,000	\$	350,000	65161
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,335,710	\$	1,365,281	65162
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STATE COUNCIL OF UNIFORM STATE LAWS 65163

Notwithstanding section 105.26 of the Revised Code, of the 65164
foregoing appropriation item 018-321, Operating Expenses, up to 65165
\$71,000 in fiscal year 2008 and up to \$73,000 in fiscal year 2009 65166
may be used to pay the expenses of the State Council of Uniform 65167
State Laws, including membership dues to the National Conference 65168
of Commissioners on Uniform State Laws. 65169

OHIO JURY INSTRUCTIONS FUND 65170

The Ohio Jury Instructions Fund (Fund 403) shall consist of 65171
grants, royalties, dues, conference fees, bequests, devises, and 65172
other gifts received for the purpose of supporting costs incurred 65173
by the Judicial Conference of Ohio in dispensing educational and 65174
informational data to the state's judicial system. Fund 403 shall 65175
be used by the Judicial Conference of Ohio to pay expenses 65176
incurred in dispensing educational and informational data to the 65177

state's judicial system. All moneys accruing to Fund 403 in excess 65178
of \$350,000 in fiscal year 2008 and in excess of \$350,000 in 65179
fiscal year 2009 are hereby appropriated for the purposes 65180
authorized. 65181

No money in the Ohio Jury Instructions Fund shall be 65182
transferred to any other fund by the Director of Budget and 65183
Management or the Controlling Board. 65184

Section 313.10. JSC THE JUDICIARY/SUPREME COURT 65185

General Revenue Fund 65186

GRF 005-321 Operating Expenses - \$ 127,778,192 \$ 133,144,970 65187
Judiciary/Supreme
Court

GRF 005-401 State Criminal \$ 331,500 \$ 336,770 65188
Sentencing Council

GRF 005-406 Law-Related Education \$ 229,290 \$ 236,172 65189

GRF 005-409 Ohio Courts Technology \$ 4,000,000 \$ 6,500,000 65190
Initiative

GRF 005-502 Legal Education \$ 250,000 \$ 350,000 65191
Opportunity

TOTAL GRF General Revenue Fund \$ 132,588,982 \$ 140,567,912 65192

General Services Fund Group 65193

672 005-601 Continuing Judicial \$ 136,000 \$ 140,000 65194
Education

TOTAL GSF General Services Fund \$ 136,000 \$ 140,000 65195

Group

Federal Special Revenue Fund Group 65196

3J0 005-603 Federal Grants \$ 1,518,491 \$ 1,467,693 65197

TOTAL FED Federal Special Revenue \$ 1,518,491 \$ 1,467,693 65198

Fund Group

State Special Revenue Fund Group 65199

4C8	005-605	Attorney Services	\$	3,841,416	\$	3,936,058	65200
5T8	005-609	Grants and Awards	\$	100,000	\$	100,000	65201
6A8	005-606	Supreme Court	\$	1,496,633	\$	1,541,532	65202
		Admissions					
TOTAL SSR	State	Special Revenue	\$	5,438,049	\$	5,577,590	65203
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	139,681,522	\$	147,753,195	65204

LAW-RELATED EDUCATION 65205

The foregoing appropriation item 005-406, Law-Related 65206
 Education, shall be distributed directly to the Ohio Center for 65207
 Law-Related Education for the purposes of providing continuing 65208
 citizenship education activities to primary and secondary 65209
 students, expanding delinquency prevention programs, increasing 65210
 activities for at-risk youth, and accessing additional public and 65211
 private money for new programs. 65212

OHIO COURTS TECHNOLOGY INITIATIVE 65213

The foregoing appropriation item 005-409, Ohio Courts 65214
 Technology Initiative, shall be used to fund an initiative by the 65215
 Supreme Court to facilitate the exchange of information and 65216
 warehousing of data by and between Ohio courts and other justice 65217
 system partners through the creation of an Ohio Courts Network, 65218
 the delivery of technology services to courts throughout the 65219
 state, including the provision of hardware, software, and the 65220
 development and implementation of educational and training 65221
 programs for judges and court personnel, and the creation and 65222
 operation of the Commission on Technology and the Courts by the 65223
 Supreme Court for the promulgation of statewide rules, policies, 65224
 and uniform standards, and to aid in the orderly adoption and 65225
 comprehensive use of technology in Ohio courts. 65226

LEGAL EDUCATION OPPORTUNITY 65227

The foregoing appropriation item 005-502, Legal Education 65228

Opportunity, shall be used to fund activities undertaken at the 65229
direction of the Chief Justice of the Supreme Court for purposes 65230
of introducing minority, low-income, and educationally 65231
disadvantaged Ohio students to the legal system and providing 65232
educational opportunities to those same students who are preparing 65233
for college and interested in the pursuit of a legal career. The 65234
foregoing appropriation item 005-502, Legal Education Opportunity, 65235
may be used by the Supreme Court, in cooperation with other 65236
entities, to establish and provide programs, courses, and 65237
activities consistent with the purposes set forth in this 65238
paragraph and to pay the associated administrative costs. 65239

CONTINUING JUDICIAL EDUCATION 65240

The Continuing Judicial Education Fund (Fund 672) shall 65241
consist of fees paid by judges and court personnel for attending 65242
continuing education courses and other gifts and grants received 65243
for the purpose of continuing judicial education. The foregoing 65244
appropriation item 005-601, Continuing Judicial Education, shall 65245
be used to pay expenses for continuing education courses for 65246
judges and court personnel. If it is determined by the 65247
Administrative Director of the Supreme Court that additional 65248
appropriations are necessary, the amounts are hereby appropriated. 65249

No money in the Continuing Judicial Education Fund shall be 65250
transferred to any other fund by the Director of Budget and 65251
Management or the Controlling Board. Interest earned on moneys in 65252
the Continuing Judicial Education Fund shall be credited to the 65253
fund. 65254

FEDERAL GRANTS 65255

The Federal Grants Fund (Fund 3J0) shall consist of grants 65256
and other moneys awarded to the Supreme Court (The Judiciary) by 65257
the United States Government or other entities that receive the 65258
moneys directly from the United States Government and distribute 65259

those moneys to the Supreme Court (The Judiciary). The foregoing 65260
appropriation item 005-603, Federal Grants, shall be used in a 65261
manner consistent with the purpose of the grant or award. If it is 65262
determined by the Administrative Director of the Supreme Court 65263
that additional appropriations are necessary, the amounts are 65264
hereby appropriated. 65265

No money in the Federal Grants Fund shall be transferred to 65266
any other fund by the Director of Budget and Management or the 65267
Controlling Board. However, interest earned on moneys in the 65268
Federal Grants Fund shall be credited or transferred to the 65269
General Revenue Fund. 65270

ATTORNEY SERVICES 65271

The Attorney Services Fund (Fund 4C8), formerly known as the 65272
Attorney Registration Fund, shall consist of moneys received by 65273
the Supreme Court (The Judiciary) pursuant to the Rules for the 65274
Government of the Bar of Ohio. In addition to funding other 65275
activities considered appropriate by the Supreme Court, the 65276
foregoing appropriation item 005-605, Attorney Services, may be 65277
used to compensate employees and to fund appropriate activities of 65278
the following offices established by the Supreme Court: the Office 65279
of Disciplinary Counsel, the Board of Commissioners on Grievances 65280
and Discipline, the Clients' Security Fund, and the Attorney 65281
Services Division. If it is determined by the Administrative 65282
Director of the Supreme Court that additional appropriations are 65283
necessary, the amounts are hereby appropriated. 65284

No moneys in the Attorney Services Fund shall be transferred 65285
to any other fund by the Director of Budget and Management or the 65286
Controlling Board. Interest earned on moneys in the Attorney 65287
Services Fund shall be credited to the fund. 65288

GRANTS AND AWARDS 65289

The Grants and Awards Fund (Fund 5T8) shall consist of grants 65290

and other moneys awarded to the Supreme Court (The Judiciary) by 65291
the State Justice Institute, the Division of Criminal Justice 65292
Services, or other entities. The foregoing appropriation item 65293
005-609, Grants and Awards, shall be used in a manner consistent 65294
with the purpose of the grant or award. If it is determined by the 65295
Administrative Director of the Supreme Court that additional 65296
appropriations are necessary, the amounts are hereby appropriated. 65297

No moneys in the Grants and Awards Fund shall be transferred 65298
to any other fund by the Director of Budget and Management or the 65299
Controlling Board. However, interest earned on moneys in the 65300
Grants and Awards Fund shall be credited or transferred to the 65301
General Revenue Fund. 65302

SUPREME COURT ADMISSIONS 65303

The foregoing appropriation item 005-606, Supreme Court 65304
Admissions, shall be used to compensate Supreme Court employees 65305
who are primarily responsible for administering the attorney 65306
admissions program under the Rules for the Government of the Bar 65307
of Ohio, and to fund any other activities considered appropriate 65308
by the court. Moneys shall be deposited into the Supreme Court 65309
Admissions Fund (Fund 6A8) under the Supreme Court Rules for the 65310
Government of the Bar of Ohio. If it is determined by the 65311
Administrative Director of the Supreme Court that additional 65312
appropriations are necessary, the amounts are hereby appropriated. 65313

No moneys in the Supreme Court Admissions Fund shall be 65314
transferred to any other fund by the Director of Budget and 65315
Management or the Controlling Board. Interest earned on moneys in 65316
the Supreme Court Admissions Fund shall be credited to the fund. 65317

FUND ELIMINATION 65318

Effective July 1, 2007, or as soon as practicable thereafter, 65319
the Director of Budget and Management shall transfer the cash 65320
balance in the Commission on Continuing Legal Education Fund (Fund 65321

643) to the Attorney Services Fund (Fund 4C8). The director shall 65322
cancel any existing encumbrances against appropriation item 65323
005-607, Commission on Continuing Legal Education, and 65324
re-establish them against appropriation item 005-605, Attorney 65325
Services. The amounts of the re-established encumbrances are 65326
hereby appropriated. Upon completion of these transfers, the 65327
Commission on Continuing Legal Education Fund (Fund 643) is hereby 65328
abolished. 65329

TRANSFER OF UNENCUMBERED GRF APPROPRIATION AUTHORITY FOR 65330
INDIGENT DEFENSE 65331

On July 1, 2008, or as soon as practicable thereafter, the 65332
Administrative Director of the Supreme Court shall certify to the 65333
Director of Budget and Management the total fiscal year 2008 65334
unencumbered appropriations in appropriation item 005-321, 65335
Operating Expenses - Judiciary/Supreme Court. The Director of 65336
Budget and Management shall transfer that certified amount of 65337
unencumbered fiscal year 2008 appropriations to fiscal year 2009 65338
for use within the Ohio Public Defender Commission's appropriation 65339
item 019-501, County Reimbursement. The amount certified and 65340
transferred is hereby appropriated to the Ohio Public Defender 65341
Commission's appropriation item 019-501, County Reimbursement, in 65342
fiscal year 2009. 65343

Section 315.10. LEC LAKE ERIE COMMISSION 65344

State Special Revenue Fund Group 65345

4C0	780-601	Lake Erie Protection	\$	450,000	\$	450,000	65346
		Fund					
5D8	780-602	Lake Erie Resources	\$	387,000	\$	388,000	65347
		Fund					
TOTAL SSR State Special Revenue							65348
		Fund Group	\$	837,000	\$	838,000	65349
TOTAL ALL BUDGET FUND GROUPS							65350

CASH TRANSFER 65351

Not later than the thirtieth day of November of each fiscal 65352
year, the Executive Director of the Ohio Lake Erie Office, with 65353
the approval of the Lake Erie Commission, shall certify to the 65354
Director of Budget and Management the cash balance in the Lake 65355
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet 65356
operating expenses of the Lake Erie Office. The Lake Erie Office 65357
may request the Director of Budget and Management to transfer up 65358
to the certified amount from the Lake Erie Resources Fund (Fund 65359
5D8) to the Lake Erie Protection Fund (Fund 4C0). The Director of 65360
Budget and Management may transfer the requested amount, or the 65361
Director may transfer a different amount up to the certified 65362
amount. Cash transferred shall be used for the purposes described 65363
in division (A) of section 1506.23 of the Revised Code. The amount 65364
transferred by the director is hereby appropriated to the 65365
foregoing appropriation item 780-601, Lake Erie Protection Fund, 65366
which shall be increased by the amount transferred. 65367

Section 317.10. LRS LEGAL RIGHTS SERVICE 65368

General Revenue Fund 65369

GRF 054-321 Support Services	\$	198,075	\$	198,075	65370
GRF 054-401 Ombudsman	\$	291,247	\$	291,247	65371
TOTAL GRF General Revenue Fund	\$	489,322	\$	489,322	65372

General Services Fund Group 65373

5M0 054-610 Program Support	\$	81,352	\$	81,352	65374
TOTAL GSF General Services					65375
Fund Group	\$	81,352	\$	81,352	65376

Federal Special Revenue Fund Group 65377

3AG 054-613 Protection and	\$	115,000	\$	115,000	65378
Advocacy - Voter					
Accessibility					

3B8	054-603	Protection and Advocacy - Mentally Ill	\$	1,089,999	\$	1,089,999	65379
3CA	054-615	Work Incentives Planning and Assistance	\$	355,000	\$	355,000	65380
3N3	054-606	Protection and Advocacy - Individual Rights	\$	560,000	\$	560,000	65381
3N9	054-607	Assistive Technology	\$	160,000	\$	160,000	65382
3R9	054-604	Family Support Collaborative	\$	55,000	\$	55,000	65383
3R9	054-616	Developmental Disability Publications	\$	130,000	\$	130,000	65384
3T2	054-609	Client Assistance Program	\$	435,000	\$	435,000	65385
3X1	054-611	Protection and Advocacy for Beneficiaries of Social Security	\$	235,001	\$	235,001	65386
3Z6	054-612	Traumatic Brain Injury	\$	70,000	\$	70,000	65387
305	054-602	Protection and Advocacy - Developmentally Disabled	\$	1,500,000	\$	1,500,000	65388
TOTAL FED	Federal Special Revenue						65389
Fund Group			\$	4,705,000	\$	4,705,000	65390
State Special Revenue Fund Group							65391
5AE	054-614	Grants and Contracts	\$	100,000	\$	100,000	65392
TOTAL SSR	State Special Revenue		\$	100,000	\$	100,000	65393
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	5,375,674	\$	5,375,674	65394

Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE				65396
General Revenue Fund				65397
GRF 028-321	Legislative Ethics	\$ 550,000	\$ 550,000	65398
Committee				
TOTAL GRF	General Revenue Fund	\$ 550,000	\$ 550,000	65399
General Services Fund Group				65400
4G7 028-601	Joint Legislative	\$ 100,000	\$ 100,000	65401
Ethics Committee				
TOTAL GSF	General Services Fund	\$ 100,000	\$ 100,000	65402
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 650,000	\$ 650,000	65403
 Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION				65404
General Revenue Fund				65405
GRF 035-321	Operating Expenses	\$ 15,167,700	\$ 15,167,700	65406
GRF 035-402	Legislative Interns	\$ 1,022,120	\$ 1,022,120	65407
GRF 035-405	Correctional	\$ 393,900	\$ 393,900	65408
Institution Inspection				
Committee				
GRF 035-409	National Associations	\$ 460,560	\$ 460,560	65409
GRF 035-410	Legislative	\$ 3,661,250	\$ 3,661,250	65410
Information Systems				
TOTAL GRF	General Revenue Fund	\$ 20,705,530	\$ 20,705,530	65411
General Services Fund Group				65412
4F6 035-603	Legislative Budget	\$ 154,025	\$ 154,025	65413
Services				
410 035-601	Sale of Publications	\$ 25,250	\$ 25,250	65414
5EF 035-607	House and Senate	\$ 30,000	\$ 30,000	65415
Telephone Usage				
TOTAL GSF	General Services			65416
Fund Group		\$ 209,275	\$ 209,275	65417

TOTAL ALL BUDGET FUND GROUPS	\$	20,914,805	\$	20,914,805	65418
JOINT LEGISLATIVE COMMITTEE ON MEDICAID TECHNOLOGY AND REFORM					65419
Of the foregoing appropriation item 035-321, Operating					65420
Expenses, \$100,000 in each fiscal year shall be used for costs					65421
associated with employing an executive director for the Joint					65422
Legislative Committee on Medicaid Technology and Reform as					65423
authorized by division (C) of section 101.391 of the Revised Code.					65424
OHIO ECONOMIC ANALYSIS					65425
Of the foregoing appropriation item 035-321, Operating					65426
Expenses, up to \$250,000 in each fiscal year shall be used to					65427
contract with a person, business, or other entity to provide the					65428
General Assembly with additional revenue forecasting and analysis					65429
of the Ohio economy.					65430
Section 323.10. LIB STATE LIBRARY BOARD					65431
General Revenue Fund					65432
GRF 350-321 Operating Expenses	\$	6,298,677	\$	6,298,677	65433
GRF 350-400 Ohio Public Library	\$	4,330,000	\$	4,330,000	65434
Information Network					
GRF 350-401 Ohioana Rental	\$	124,816	\$	124,816	65435
Payments					
GRF 350-501 Library for the	\$	535,615	\$	535,615	65436
Blind-Cincinnati					
GRF 350-502 Regional Library	\$	1,010,441	\$	1,010,441	65437
Systems					
GRF 350-503 Library for the	\$	805,642	\$	805,642	65438
Blind-Cleveland					
TOTAL GRF General Revenue Fund	\$	13,105,191	\$	13,105,191	65439
General Services Fund Group					65440
139 350-602 Intra-Agency Service	\$	9,000	\$	9,000	65441
Charges					

4S4 350-604	Ohio Public Library	\$	3,000,000	\$	3,000,000	65442
	Information Network					
	Technology					
459 350-602	Library Service	\$	2,708,092	\$	2,708,092	65443
	Charges					
TOTAL GSF General Services						65444
Fund Group		\$	5,717,092	\$	5,717,092	65445
Federal Special Revenue Fund Group						65446
313 350-601	LSTA Federal	\$	5,691,792	\$	5,691,792	65447
TOTAL FED Federal Special Revenue						65448
Fund Group		\$	5,691,792	\$	5,691,792	65449
TOTAL ALL BUDGET FUND GROUPS						65450
OHIOANA RENTAL PAYMENTS						65451
The foregoing appropriation item 350-401, Ohioana Rental						65452
Payments, shall be used to pay the rental expenses of the Martha						65453
Kinney Cooper Ohioana Library Association pursuant to section						65454
3375.61 of the Revised Code.						65455
LIBRARY FOR THE BLIND-CINCINNATI						65456
The foregoing appropriation item 350-501, Library for the						65457
Blind-Cincinnati, shall be used for the Talking Book program,						65458
which assists the blind and disabled.						65459
REGIONAL LIBRARY SYSTEMS						65460
The foregoing appropriation item 350-502, Regional Library						65461
Systems, shall be used to support regional library systems						65462
eligible for funding under sections 3375.83 and 3375.90 of the						65463
Revised Code.						65464
LIBRARY FOR THE BLIND-CLEVELAND						65465
The foregoing appropriation item 350-503, Library for the						65466
Blind-Cleveland, shall be used for the Talking Book program, which						65467
assists the blind and disabled.						65468

OHIO PUBLIC LIBRARY INFORMATION NETWORK 65469

The foregoing appropriation items 350-604, Ohio Public 65470
Library Information Network Technology, and 350-400, Ohio Public 65471
Library Information Network, shall be used for an information 65472
telecommunications network linking public libraries in the state 65473
and such others as may be certified as participants by the Ohio 65474
Public Library Information Network Board. 65475

The Ohio Public Library Information Network Board shall 65476
consist of eleven members appointed by the State Library Board 65477
from among the staff of public libraries and past and present 65478
members of boards of trustees of public libraries, based on the 65479
recommendations of the Ohio library community. The Ohio Public 65480
Library Information Network Board, in consultation with the State 65481
Library, shall develop a plan of operations for the network. The 65482
board may make decisions regarding use of the foregoing 65483
appropriation items 350-400, Ohio Public Library Information 65484
Network, and 350-604, Ohio Public Library Information Network 65485
Technology, may receive and expend grants to carry out the 65486
operations of the network in accordance with state law and the 65487
authority to appoint and fix the compensation of a director and 65488
necessary staff. The State Library shall be the fiscal agent for 65489
the network and shall have fiscal accountability for the 65490
expenditure of funds. The Ohio Public Library Information Network 65491
Board members shall be reimbursed for actual travel and necessary 65492
expenses incurred in carrying out their responsibilities. 65493

In order to limit access to obscene and illegal materials 65494
through internet use at Ohio Public Library Information Network 65495
(OPLIN) terminals, local libraries with OPLIN computer terminals 65496
shall adopt policies that control access to obscene and illegal 65497
materials. These policies may include use of technological systems 65498
to select or block certain internet access. The OPLIN shall 65499
condition provision of its funds, goods, and services on 65500

compliance with these policies. The OPLIN Board shall also adopt 65501
and communicate specific recommendations to local libraries on 65502
methods to control such improper usage. These methods may include 65503
each library implementing a written policy controlling such 65504
improper use of library terminals and requirements for parental 65505
involvement or written authorization for juvenile internet usage. 65506

Of the foregoing appropriation item 350-400, Ohio Public 65507
Library Information Network, up to \$100,000 in each fiscal year 65508
shall be used to help local libraries purchase or maintain filters 65509
to screen out obscene and illegal internet materials. 65510

The OPLIN Board shall research and assist or advise local 65511
libraries with regard to emerging technologies and methods that 65512
may be effective means to control access to obscene and illegal 65513
materials. The OPLIN Executive Director shall biannually provide 65514
written reports to the Governor, the Speaker and Minority Leader 65515
of the House of Representatives, and the President and Minority 65516
Leader of the Senate on any steps being taken by OPLIN and public 65517
libraries in the state to limit and control such improper usage as 65518
well as information on technological, legal, and law enforcement 65519
trends nationally and internationally affecting this area of 65520
public access and service. 65521

The Ohio Public Library Information Network, INFOhio, and 65522
OhioLINK shall, to the extent feasible, coordinate and cooperate 65523
in their purchase or other acquisition of the use of electronic 65524
databases for their respective users and shall contribute funds in 65525
an equitable manner to such effort. 65526

Section 325.10. LCO LIQUOR CONTROL COMMISSION 65527

Liquor Control Fund Group 65528
043 970-321 Operating Expenses \$ 743,093 \$ 772,524 65529
TOTAL LCF Liquor Control Fund Group \$ 743,093 \$ 772,524 65530

TOTAL ALL BUDGET FUND GROUPS	\$	743,093	\$	772,524	65531
Section 327.10. LOT STATE LOTTERY COMMISSION					65533
General Services Fund Group					65534
231 950-604 Charitable Gaming	\$	2,253,000	\$	2,378,000	65535
Oversight					
TOTAL GSF General Services Fund	\$	2,253,000	\$	2,378,000	65536
Group					
State Lottery Fund Group					65537
044 950-100 Personal Services	\$	25,945,116	\$	27,085,265	65538
044 950-200 Maintenance	\$	18,748,274	\$	18,693,328	65539
044 950-300 Equipment	\$	2,554,500	\$	2,446,500	65540
044 950-402 Advertising Contracts	\$	21,250,000	\$	21,250,000	65541
044 950-403 Gaming Contracts	\$	50,419,360	\$	51,250,704	65542
044 950-500 Problem Gambling	\$	335,000	\$	335,000	65543
Subsidy					
044 950-601 Direct Prize Payments	\$	147,716,286	\$	147,716,286	65544
871 950-602 Annuity Prizes	\$	151,724,305	\$	151,724,305	65545
TOTAL SLF State Lottery Fund					65546
Group	\$	418,692,841	\$	420,501,388	65547
TOTAL ALL BUDGET FUND GROUPS	\$	420,945,841	\$	422,879,388	65548
OPERATING EXPENSES					65549
Notwithstanding sections 127.14 and 131.35 of the Revised					65550
Code, the Controlling Board may, at the request of the State					65551
Lottery Commission, authorize additional appropriations for					65552
operating expenses of the State Lottery Commission from the State					65553
Lottery Fund up to a maximum of 15 per cent of anticipated total					65554
revenue accruing from the sale of lottery tickets.					65555
DIRECT PRIZE PAYMENTS					65556
Any amounts, in addition to the amounts appropriated in					65557
appropriation item 950-601, Direct Prize Payments, that the					65558

Director of the State Lottery Commission determines to be 65559
necessary to fund prizes, bonuses, and commissions are hereby 65560
appropriated. 65561

ANNUITY PRIZES 65562

With the approval of the Office of Budget and Management, the 65563
State Lottery Commission shall transfer cash from the State 65564
Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund 65565
(Fund 871) in an amount sufficient to fund deferred prizes. The 65566
Treasurer of State, from time to time, shall credit the Deferred 65567
Prizes Trust Fund (Fund 871) the pro rata share of interest earned 65568
by the Treasurer of State on invested balances. 65569

Any amounts, in addition to the amounts appropriated in 65570
appropriation item 950-602, Annuity Prizes, that the Director of 65571
the State Lottery Commission determines to be necessary to fund 65572
deferred prizes and interest earnings are hereby appropriated. 65573

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 65574

The Ohio Lottery Commission shall transfer an amount greater 65575
than or equal to \$657,900,000 in fiscal year 2008 and \$667,900,000 65576
in fiscal year 2009 to the Lottery Profits Education Fund. 65577
Transfers from the Commission to the Lottery Profits Education 65578
Fund shall represent the estimated net income from operations for 65579
the Commission in fiscal year 2008 and fiscal year 2009. Transfers 65580
by the Commission to the Lottery Profits Education Fund shall be 65581
administered as the statutes direct. 65582

Section 329.10. MHC MANUFACTURED HOMES COMMISSION 65583

General Services Fund Group 65584
4K9 996-609 Operating Expenses \$ 418,122 \$ 434,671 65585
TOTAL GSF General Services 65586
Fund Group \$ 418,122 \$ 434,671 65587
TOTAL ALL BUDGET FUND GROUPS \$ 418,122 \$ 434,671 65588

Section 331.10. MED STATE MEDICAL BOARD				65590
General Services Fund Group				65591
5C6 883-609 Operating Expenses	\$	7,883,145	\$ 8,225,945	65592
TOTAL GSF General Services				65593
Fund Group	\$	7,883,145	\$ 8,225,945	65594
TOTAL ALL BUDGET FUND GROUPS	\$	7,883,145	\$ 8,225,945	65595
Section 333.10. AMB MEDICAL TRANSPORTATION BOARD				65597
General Services Fund Group				65598
4K9 915-604 Operating Expenses	\$	471,450	\$ 473,450	65599
TOTAL GSF General Services				65600
Fund Group	\$	471,450	\$ 473,450	65601
TOTAL ALL BUDGET FUND GROUPS	\$	471,450	\$ 473,450	65602
CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND				65603
(FUND 4K9)				65604
Effective July 1, 2007, or as soon as practicable thereafter,				65605
the Director of Budget and Management may transfer the cash				65606
balance in the Ohio Medical Transportation Trust Fund (Fund 4N1),				65607
created in division (B) of section 4766.05 of the Revised Code, to				65608
the Occupational Licensing and Regulatory Fund (Fund 4K9), created				65609
in section 4743.05 of the Revised Code. The director shall cancel				65610
any existing encumbrances against appropriation item 915-601,				65611
Operating Expenses, and re-establish them against appropriation				65612
item 915-604, Operating Expenses. The amounts of the				65613
re-established encumbrances are hereby appropriated. Upon				65614
completion of these transfers, the Ohio Medical Transportation				65615
Trust Fund (Fund 4N1) is hereby abolished.				65616
Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH				65617
General Services Fund Group				65618
151 336-601 Office of Support	\$	134,060,000	\$ 148,998,000	65619

Services

TOTAL General Services Fund Group	\$	134,060,000	\$	148,998,000	65620
Division of Mental Health--					65621
Psychiatric Services to Correctional Facilities					65622
General Revenue Fund					65623
GRF 332-401 Forensic Services	\$	4,338,858	\$	4,338,858	65624
TOTAL GRF General Revenue Fund	\$	4,338,858	\$	4,338,858	65625

Section 335.10.10. FORENSIC SERVICES 65627

The foregoing appropriation item 332-401, Forensic Services, 65628
shall be used to provide psychiatric services to courts of common 65629
pleas. The appropriation shall be allocated through community 65630
mental health boards to certified community agencies and shall be 65631
distributed according to the criteria delineated in rule 65632
5122:32-01 of the Administrative Code. These community forensic 65633
funds may also be used to provide forensic training to community 65634
mental health boards and to forensic psychiatry residency programs 65635
in hospitals operated by the Department of Mental Health and to 65636
provide evaluations of patients of forensic status in facilities 65637
operated by the Department of Mental Health prior to conditional 65638
release to the community. 65639

In addition, appropriation item 332-401, Forensic Services, 65640
may be used to support projects involving mental health, substance 65641
abuse, courts, and law enforcement to identify and develop 65642
appropriate alternative services to incarceration for nonviolent 65643
mentally ill offenders, and to provide specialized re-entry 65644
services to offenders leaving prisons and jails. Funds may also be 65645
utilized to provide forensic monitoring and tracking in addition 65646
to community programs serving persons of forensic status on 65647
conditional release or probation. 65648

Section 335.20. Division of Mental Health-- 65649

	Administration and Statewide Programs			65650
	General Revenue Fund			65651
GRF 333-321	Central Administration	\$ 23,750,000	\$ 23,750,000	65652
GRF 333-402	Resident Trainees	\$ 1,364,919	\$ 1,364,919	65653
GRF 333-403	Pre-Admission	\$ 650,135	\$ 650,135	65654
	Screening Expenses			
GRF 333-415	Lease-Rental Payments	\$ 23,767,400	\$ 20,504,500	65655
GRF 333-416	Research Program	\$ 1,001,551	\$ 1,001,551	65656
	Evaluation			
TOTAL GRF	General Revenue Fund	\$ 50,534,005	\$ 47,271,105	65657
	General Services Fund Group			65658
149 333-609	Central Office	\$ 1,200,000	\$ 1,200,000	65659
	Operating			
TOTAL	General Services Fund Group	\$ 1,200,000	\$ 1,200,000	65660
	Federal Special Revenue Fund Group			65661
3A6 333-608	Community & Hospital	\$ 140,000	\$ 140,000	65662
	Services			
3A7 333-612	Social Services Block	\$ 25,000	\$ 25,000	65663
	Grant			
3A8 333-613	Federal Grant -	\$ 4,888,105	\$ 4,888,105	65664
	Administration			
3A9 333-614	Mental Health Block	\$ 748,470	\$ 748,470	65665
	Grant - Administration			
3B1 333-635	Community Medicaid	\$ 13,691,682	\$ 13,691,682	65666
	Expansion			
324 333-605	Medicaid/Medicare	\$ 154,500	\$ 154,500	65667
TOTAL	Federal Special Revenue			65668
Fund Group		\$ 19,647,757	\$ 19,647,757	65669
	State Special Revenue Fund Group			65670
232 333-621	Family and Children	\$ 625,000	\$ 625,000	65671
	First Administration			
4X5 333-607	Behavioral Health	\$ 3,000,634	\$ 3,000,634	65672

	Medicaid Services				
485	333-632	Mental Health	\$	134,233	\$ 134,233 65673
		Operating			
5V2	333-611	Non-Federal	\$	580,000	\$ 560,000 65674
		Miscellaneous			
	TOTAL State	Special Revenue			65675
	Fund Group		\$	4,339,867	\$ 4,319,867 65676
	TOTAL ALL BUDGET FUND GROUPS		\$	75,721,629	\$ 72,438,729 65677

Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS 65679

The foregoing appropriation item 333-402, Resident Trainees, 65680
 shall be used to fund training agreements entered into by the 65681
 Department of Mental Health for the development of curricula and 65682
 the provision of training programs to support public mental health 65683
 services. 65684

Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES 65685

The foregoing appropriation item 333-403, Pre-Admission 65686
 Screening Expenses, shall be used to pay for costs to ensure that 65687
 uniform statewide methods for pre-admission screening are in place 65688
 to perform assessments for persons who have severe mental illness 65689
 and are referred for long-term Medicaid certified nursing facility 65690
 placement. Pre-admission screening includes the following 65691
 activities: pre-admission assessment, consideration of continued 65692
 stay requests, discharge planning and referral, and adjudication 65693
 of appeals and grievance procedures. 65694

Section 335.20.30. LEASE-RENTAL PAYMENTS 65695

The foregoing appropriation item 333-415, Lease-Rental 65696
 Payments, shall be used to meet all payments during the period 65697
 from July 1, 2007, to June 30, 2009, by the Department of Mental 65698
 Health under leases and agreements made under section 154.20 of 65699
 the Revised Code. These appropriations are the source of funds 65700

pledged for bond service charges on obligations issued pursuant to 65701
 Chapter 154. of the Revised Code. 65702

Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES 65703

The Department of Mental Health shall administer specified 65704
 Medicaid Services as delegated by the Department of Job and Family 65705
 Services in an interagency agreement. The foregoing appropriation 65706
 item 333-607, Behavioral Health Medicaid Services, may be used to 65707
 make payments for free-standing psychiatric hospital inpatient 65708
 services as defined in an interagency agreement with the 65709
 Department of Job and Family Services. 65710

Section 335.20.50. PERFORMANCE AUDIT 65711

The Auditor of State shall complete a performance audit of 65712
 the Department of Mental Health. Upon completing the performance 65713
 audit, the Auditor of State shall submit a report of the findings 65714
 of the audit to the Governor, the President of the Senate, the 65715
 Speaker of the House of Representatives, and the Director of 65716
 Mental Health. Expenses incurred by the Auditor of State to 65717
 conduct the performance audit shall be reimbursed by the 65718
 Department of Mental Health. 65719

Section 335.30. DIVISION OF MENTAL HEALTH - HOSPITALS 65720

General Revenue Fund 65721

GRF 334-408	Community and Hospital	\$	400,324,545	\$	400,324,545	65722
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Mental Health Services

GRF 334-506	Court Costs	\$	976,652	\$	976,652	65723
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TOTAL GRF	General Revenue Fund	\$	401,301,197	\$	401,301,197	65724
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General Services Fund Group 65725

149 334-609	Hospital - Operating	\$	33,800,000	\$	33,800,000	65726
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Expenses

150 334-620	Special Education	\$	120,930	\$	120,930	65727
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TOTAL GSF General Services				65728
Fund Group	\$	33,920,930	\$ 33,920,930	65729
Federal Special Revenue Fund Group				65730
3A6 334-608 Subsidy for Federal Grants	\$	586,224	\$ 586,224	65731
3A8 334-613 Federal Letter of Credit	\$	200,000	\$ 200,000	65732
3B0 334-617 Adult Basic and Literary Education	\$	182,334	\$ 182,334	65733
3B1 334-635 Hospital Medicaid Expansion	\$	2,000,000	\$ 2,000,000	65734
324 334-605 Medicaid/Medicare	\$	34,500,000	\$ 50,500,000	65735
TOTAL FED Federal Special Revenue Fund Group	\$	37,468,558	\$ 53,468,558	65736
State Special Revenue Fund Group				65737
485 334-632 Mental Health Operating	\$	3,100,000	\$ 3,100,000	65738
692 334-636 Community Mental Health Board Risk Fund	\$	80,000	\$ 80,000	65739
TOTAL SSR State Special Revenue Fund Group	\$	3,180,000	\$ 3,180,000	65740
TOTAL ALL BUDGET FUND GROUPS	\$	475,870,685	\$ 491,870,685	65741

Section 335.30.20. COMMUNITY MENTAL HEALTH BOARD RISK FUND 65745

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. 65746
65747
65748

Section 335.40. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT SERVICES 65749
65750

General Revenue Fund 65751
GRF 335-404 Behavioral Health \$ 8,076,153 \$ 8,711,153 65752

		Services-Children					
GRF	335-405	Family & Children	\$	2,260,000	\$	2,260,000	65753
		First					
GRF	335-419	Community Medication	\$	9,959,798	\$	9,959,798	65754
		Subsidy					
GRF	335-505	Local Mental Health	\$	104,187,868	\$	104,187,868	65755
		Systems of Care					
TOTAL GRF		General Revenue Fund	\$	124,483,819	\$	125,118,819	65756
		General Services Fund Group					65757
4P9	335-604	Community Mental	\$	250,000	\$	250,000	65758
		Health Projects					
TOTAL GSF		General Services					65759
		Fund Group	\$	250,000	\$	250,000	65760
		Federal Special Revenue Fund Group					65761
3A6	335-608	Federal Miscellaneous	\$	2,178,699	\$	2,178,699	65762
3A7	335-612	Social Services Block	\$	8,657,288	\$	8,657,288	65763
		Grant					
3A8	335-613	Federal Grant -	\$	2,595,040	\$	2,595,040	65764
		Community Mental					
		Health Board Subsidy					
3A9	335-614	Mental Health Block	\$	14,969,400	\$	14,969,400	65765
		Grant					
3B1	335-635	Community Medicaid	\$	299,614,455	\$	316,699,716	65766
		Expansion					
TOTAL FED		Federal Special Revenue	\$	328,014,882	\$	345,100,143	65767
		Fund Group					
		State Special Revenue Fund Group					65768
5AU	335-615	Behavioral Healthcare	\$	6,690,000	\$	6,690,000	65769
632	335-616	Community Capital	\$	350,000	\$	350,000	65770
		Replacement					
5CH	335-622	Residential Support	\$	1,500,000	\$	1,500,000	65771
		Service					

TOTAL SSR State Special Revenue	\$	8,540,000	\$	8,540,000	65772
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	461,288,701	\$	479,008,962	65773
DEPARTMENT TOTAL					65774
GENERAL REVENUE FUND	\$	580,657,879	\$	578,029,979	65775
DEPARTMENT TOTAL					65776
GENERAL SERVICES FUND GROUP	\$	169,430,930	\$	184,368,930	65777
DEPARTMENT TOTAL					65778
FEDERAL SPECIAL REVENUE					65779
FUND GROUP	\$	385,131,197	\$	418,216,458	65780
DEPARTMENT TOTAL					65781
STATE SPECIAL REVENUE FUND GROUP	\$	16,059,867	\$	16,039,867	65782
DEPARTMENT TOTAL					65783
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	1,151,279,873	\$	1,196,655,234	65784

Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN 65786

The foregoing appropriation item 335-404, Behavioral Health 65787
Services-Children, shall be used to provide behavioral health 65788
services for children and their families. Behavioral health 65789
services include mental health and alcohol and other drug 65790
treatment services and other necessary supports. 65791

Of the foregoing appropriation item 335-404, Behavioral 65792
Health Services-Children, an amount up to \$4.5 million in fiscal 65793
year 2008 and \$5.5 million in fiscal year 2009 shall be 65794
distributed to local Alcohol, Drug Addiction, and Mental Health 65795
Boards; Community Mental Health Boards; and Alcohol and Drug 65796
Addiction Boards, based upon a distribution formula and guidance 65797
defined by a team of state and local stakeholders appointed by the 65798
Ohio Family and Children First Cabinet Council. This team shall 65799
include, but not be limited to, all of the following: 65800

(A) At least one representative from each of the Departments 65801
of Alcohol and Drug Addiction Services, Mental Health, Education, 65802

Health, Job and Family Services, Mental Retardation and 65803
Developmental Disabilities, and the Department of Youth Services; 65804

(B) At least one person representing local public children's 65805
services agencies; 65806

(C) At least one person representing juvenile courts; 65807

(D) At least one person representing local Alcohol, Drug 65808
Addiction, and Mental Health Boards; Community Mental Health 65809
Boards; and Alcohol and Drug Addiction Boards; 65810

(E) At least one person representing local Family and 65811
Children First Council Coordinators; 65812

(F) At least one family representative. 65813

Funds may be used to support the following services and 65814
activities as determined by local Alcohol, Drug Addiction, and 65815
Mental Health Boards; Community Mental Health Boards; and Alcohol 65816
and Drug Addiction Boards and local family and children first 65817
councils and aligned with county service coordination mechanism as 65818
described in division (C) of section 121.37 of the Revised Code: 65819

(A) Mental health services provided by the Ohio Department of 65820
Mental Health certified agencies and alcohol and other drug 65821
services provided by Department of Alcohol and Drug Addiction 65822
Services certified agencies; 65823

(B) Services and supports for children and their families 65824
that further the implementation of their individual service plans; 65825

(C) Treatment services in out-of-home settings, including 65826
residential facilities, when other alternatives are not available 65827
or feasible; 65828

(D) Administrative support for efforts associated with this 65829
initiative; 65830

(E) These funds shall not be used to supplant existing 65831
efforts. 65832

Of the foregoing appropriation item 335-404, Behavioral Health Services-Children, an amount up to \$1.0 million in fiscal year 2008 and \$1.0 million in fiscal year 2009 shall be used to support projects, as determined by the Ohio Family and Children First Cabinet Council, in select areas around the state to focus on improving behavioral health juvenile justice services.

Of the foregoing appropriation item 335-405, Family & Children First, an amount up to \$500,000 in fiscal year 2008 and \$500,000 in fiscal year 2009 shall be used for children for whom the primary focus of treatment is not a mental health or alcohol or drug addiction disorder and require services or supports to assist those needs through the County Family and Children First Council.

Of the foregoing appropriation item 335-404, Behavioral Health Services - Children, an amount up to \$500,000 in each fiscal year shall be used to provide behavioral health treatment services for children from birth to age seven.

Section 335.40.15. BEHAVIORAL HEALTH PILOT PROGRAM IN SPECIFIED COUNTIES

(A) As used in this section:

(1) "Local boards" means all of the following, collectively:

(a) The Clermont County Mental Health & Recovery Board;

(b) The Heartland East Collaborative, which is comprised of the Ashtabula Mental Health & Recovery Board; the Columbiana County Mental Health & Recovery Board; the Mental Health & Recovery Board of Portage County; the Alcohol & Drug Addiction Services Board of Stark County; the Stark County Community Mental Health Board; and the Mental Health & Recovery Board of Wayne and Holmes Counties;

(c) The Alcohol, Drug and Mental Health Board of Franklin

County;	65863
(d) The Geauga County Board of Mental Health and Recovery Services;	65864 65865
(e) The Mental Health, Drug and Alcohol Services Board of Logan and Champaign Counties;	65866 65867
(f) The Mental Health & Recovery Services Board of Lucas County;	65868 65869
(g) The Gallia-Jackson-Meigs Board of Alcohol, Drug Addiction and Mental Health Services;	65870 65871
(h) The Mental Health and Recovery Services Board of Richland County.	65872 65873
(2) "Governmental behavioral health entities" means the local boards and the Departments of Mental Health, Alcohol and Drug Addiction Services, and Job and Family Services, collectively.	65874 65875 65876
(B) Not later than October 1, 2007, the governmental behavioral health entities shall develop and operate a behavioral health pilot program in the counties served by the local boards. The purpose of the program is to test one or more models of a system of care for community behavioral health services delivered to individuals described in division (E) of this section. The pilot program shall cease to operate on June 30, 2009.	65877 65878 65879 65880 65881 65882 65883
(C) The models tested by the pilot program shall propose to do all of the following:	65884 65885
(1) Provide clinically appropriate and timely services;	65886
(2) Provide improved access to a full continuum of care to Medicaid recipients and individuals who are not Medicaid recipients;	65887 65888 65889
(3) Improve the quality of services provided;	65890
(4) Improve accountability for services provided through	65891

measurement of outcomes;	65892
(5) Control costs to assure financial viability;	65893
(6) Consider all public funds administered through the boards;	65894 65895
(7) Have the ability to be replicated in all regions of the state.	65896 65897
(D) The pilot program may include the following elements:	65898
(1) Development of defined service packages;	65899
(2) Guidelines to ensure that service types and amounts match individual needs;	65900 65901
(3) Identification and tracking of outcomes;	65902
(4) A process for care coordination and utilization review and management;	65903 65904
(5) Performance standards for provider participation.	65905
(E) The pilot program shall target the following individuals:	65906
(1) Adults who reside in the counties served by the local boards and have been diagnosed as suffering from one or more serious mental illnesses;	65907 65908 65909
(2) Adults who reside in the counties served by the local boards and have been diagnosed as suffering from alcoholism or drug addiction, or both;	65910 65911 65912
(3) Adults who reside in the counties served by the local boards and have been diagnosed as suffering from at least one of the conditions described in division (E)(1) of this section and at least one of the conditions described in division (E)(2) of this section, who have been identified as having a high risk for frequent utilization of behavioral health services, and who currently receive services from the public behavioral health system.	65913 65914 65915 65916 65917 65918 65919 65920

To the extent determined appropriate by the advisory committee that the governmental behavioral health entities must convene under division (G) of this section, the pilot program may target adults who have been identified as having a high risk for frequent utilization of behavioral health services, regardless of diagnosis.

(F) The governmental behavioral health entities shall conduct an interim and final evaluation of the pilot program. A report summarizing the findings of the interim evaluation shall be submitted to the Governor, the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Directors of Mental Health, Alcohol and Drug Addiction Services, and Job and Family Services not later than January 30, 2009. A report summarizing the findings of the final evaluation shall be submitted to the Governor, the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Directors of Mental Health, Alcohol and Drug Addiction Services, and Job and Family Services not later than September 1, 2009.

(G) The governmental behavioral health entities shall convene an advisory committee to consult them in the development and operation of the pilot program. Members of the advisory committee shall represent consumers, advocacy groups, and providers of alcohol and drug addiction or mental health services.

On submission of the report summarizing the results of the final evaluation of the pilot program, the advisory committee shall cease to exist.

Section 335.40.20. COMMUNITY MEDICATION SUBSIDY

The foregoing appropriation item 335-419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the

community to reduce unnecessary hospitalization because of lack of 65952
medication and to provide subsidized support for methadone costs. 65953

Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE 65954

The foregoing appropriation item 335-505, Local Mental Health 65955
Systems of Care, shall be used for mental health services provided 65956
by community mental health boards in accordance with a community 65957
mental health plan submitted under section 340.03 of the Revised 65958
Code and as approved by the Department of Mental Health. 65959

Of the foregoing appropriation item 334-505, Local Mental 65960
Health Systems of Care, not less than \$37,058,917 in fiscal year 65961
2008 and not less than \$37,058,917 in fiscal year 2009 shall be 65962
distributed by the Department of Mental Health on a per capita 65963
basis to community mental health boards. 65964

Of the foregoing appropriation item 335-505, Local Mental 65965
Health Systems of Care, \$10,000 in each fiscal year shall be 65966
allocated to The Gathering Place in Athens. 65967

Of the foregoing appropriation 335-505, Local Mental Health 65968
Systems of Care, \$150,000 in each fiscal year shall be used to 65969
fund family and consumer education and support. 65970

Section 335.40.40. RESIDENTIAL STATE SUPPLEMENT 65971

The foregoing appropriation item 335-622, Residential State 65972
Supplement, shall be used to provide subsidized support for 65973
licensed adult care facilities that serve individuals with mental 65974
illness. 65975

Section 337.10. DMR DEPARTMENT OF MENTAL RETARDATION AND 65976
DEVELOPMENTAL DISABILITIES 65977

Section 337.20. GENERAL ADMINISTRATION AND STATEWIDE SERVICES 65978
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General Revenue Fund				65980
GRF 320-321 Central Administration	\$	9,638,610	\$ 9,638,610	65981
GRF 320-412 Protective Services	\$	2,792,322	\$ 2,792,322	65982
GRF 320-415 Lease-Rental Payments	\$	23,767,400	\$ 20,504,500	65983
TOTAL GRF General Revenue Fund	\$	36,198,332	\$ 32,935,432	65984
General Services Fund Group				65985
4B5 320-640 Training and Service	\$	100,000	\$ 100,000	65986
Development				
TOTAL GSF General Services				65987
Fund Group	\$	100,000	\$ 100,000	65988
Federal Special Revenue Fund Group				65989
3A5 320-613 DD Council	\$	2,705,004	\$ 2,743,630	65990
TOTAL FED Federal Special Revenue				65991
Fund Group	\$	2,705,004	\$ 2,743,630	65992
State Special Revenue Fund Group				65993
5S2 590-622 Medicaid	\$	11,003,855	\$ 11,472,335	65994
Administration &				
Oversight				
TOTAL SSR State Special Revenue				65995
Fund Group	\$	11,003,855	\$ 11,472,335	65996
TOTAL ALL GENERAL ADMINISTRATION				65997
AND STATEWIDE SERVICES				65998
BUDGET FUND GROUPS	\$	50,007,191	\$ 47,251,397	65999

Section 337.20.10. LEASE-RENTAL PAYMENTS 66000

The foregoing appropriation item 320-415, Lease-Rental 66001
Payments, shall be used to meet all payments at the time they are 66002
required to be made during the period from July 1, 2007, to June 66003
30, 2009, by the Department of Mental Retardation and 66004
Developmental Disabilities under leases and agreements made under 66005
section 154.20 of the Revised Code. These appropriations are the 66006
source of funds pledged for bond service charges or obligations 66007

issued pursuant to Chapter 154. of the Revised Code.	66008
Section 337.20.20. MR/DD FUTURES STUDY COMMITTEE	66009
(A) There is hereby created the MR/DD Futures Study Committee. The Committee shall consist of the following:	66010 66011
(1) One member who is an individual eligible to receive services from a county board of mental retardation and developmental disabilities, appointed by the Governor;	66012 66013 66014
(2) One member who is an immediate family member of an individual eligible to receive services from a county board of mental retardation and developmental disabilities, appointed by the Governor;	66015 66016 66017 66018
(3) Two members who are members of the House of Representatives, appointed by the Speaker of the House of Representatives as follows:	66019 66020 66021
(a) One member from the majority party;	66022
(b) One member from the minority party.	66023
(4) Two members who are members of the Senate, appointed by the President of the Senate as follows:	66024 66025
(a) One member from the majority party;	66026
(b) One member from the minority party.	66027
(5) Four members of statewide advocacy organizations for individuals with mental retardation or other developmental disabilities, appointed as follows:	66028 66029 66030
(a) One member by the Board of Trustees of the Arc of Ohio;	66031
(b) One member by the Board of Directors of the Ohio League for the Mentally Retarded;	66032 66033
(c) One member by the Board of People First of Ohio;	66034
(d) One member by the governing board of an organization	66035

designated by the Director of Mental Retardation and Developmental
Disabilities; 66036
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(6) One member appointed by the Board of Directors of the
Ohio Self-Determination Association; 66038
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(7) One member appointed by the governing authority of the
Ohio Superintendents of County Boards of Mental Retardation and
Developmental Disabilities Association; 66040
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(8) Two members appointed by the Board of Trustees of the
Ohio Association of County Boards of Mental Retardation and
Developmental Disabilities; 66043
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(9) One member appointed by the Board of Trustees of the
County Commissioners' Association of Ohio; 66046
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(10) Two members appointed by the Board of Trustees of the
Ohio Provider Resource Association; 66048
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(11) One member appointed by the Board of Directors of the
Ohio Health Care Association; 66050
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(12) The Director of Job and Family Services or the
Director's designee; 66052
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(13) Two members appointed by the Governor who are
representatives of statewide labor organizations representing
public employees; 66054
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(14) The Director of Mental Retardation and Developmental
Disabilities, who shall serve as the committee's chairperson. 66057
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(B) The Governor shall not appoint an individual under
division (A)(1) or (2) of this section if the individual is an
employee of the state, an employee or member of a county board of
mental retardation and developmental disabilities, or an employee
or a governing board member of a provider of services to an
individual with mental retardation and developmental disabilities. 66059
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(C) Members of the Committee shall be appointed not later 66065

than thirty days after the effective date of this section. Members 66066
of the Committee shall serve without compensation, except to the 66067
extent that serving on the committee is considered part of their 66068
regular employment duties. The Department of Mental Retardation 66069
and Developmental Disabilities may reimburse members of the 66070
Committee for their reasonable travel expenses. 66071

(D) The Committee shall meet at times and locations 66072
determined by the chairperson to do all of the following: 66073

(1) Review the effectiveness, efficiency, and sustainability 66074
of current uses of funding for the state's mental retardation and 66075
developmental disabilities system; 66076

(2) Propose alternatives for effectively funding the 66077
nonfederal share of Medicaid expenditures for home and 66078
community-based services for individuals with mental retardation 66079
and other developmental disabilities, including the amendments by 66080
this act to sections 5123.047, 5123.048, 5123.0414, 5126.059, 66081
5126.0510, 5126.0511, and 5126.0512 of the Revised Code. 66082

(3) Identify the potential for reducing administrative costs 66083
in the state's mental retardation and developmental disabilities 66084
system; 66085

(4) Propose alternatives for effectively balancing revenues 66086
available to the state and the county boards of mental retardation 66087
and developmental disabilities to fulfill their responsibilities 66088
for funding, planning, and monitoring the delivery of mental 66089
retardation and developmental disability services; 66090

(5) Examine the efficiency and effectiveness of the current 66091
system of separate and concurrent mental retardation and 66092
developmental disabilities accreditation, licensure, 66093
certification, quality assurance, and quality improvement 66094
activities and propose changes to improve that system; 66095

(6) Recommend steps necessary to assure the long term 66096

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;

(7) Determine the feasibility and potential benefits of regional planning approaches to meet specialized and intensive service needs;

(8) Propose improvements needed and action steps to fully realize the principle of self-determination by individuals with mental retardation and other developmental disabilities;

(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;

(10) Review other matters the Director of Mental Retardation and Developmental Disabilities considers appropriate for evaluations.

(E) The Committee shall not transact business unless a quorum is present. A majority of the Committee members constitutes a quorum.

(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.

Section 337.30. COMMUNITY SERVICES

General Revenue Fund

GRF 322-413 Residential and Support Services \$ 6,753,881 \$ 6,753,881

GRF 322-416 Medicaid Waiver - State Match \$ 109,551,380 \$ 109,551,380

GRF 322-451	Family Support Services	\$	6,938,898	\$	6,938,898	66125
GRF 322-501	County Boards Subsidies	\$	87,270,048	\$	87,270,048	66126
GRF 322-503	Tax Equity	\$	14,000,000	\$	14,000,000	66127
GRF 322-504	Martin Settlement	\$	6,159,766	\$	29,036,451	66128
TOTAL GRF	General Revenue Fund	\$	230,673,973	\$	253,550,658	66129
General Services Fund Group						66130
488 322-603	Provider Audit Refunds	\$	10,000	\$	10,000	66131
5MO 322-628	Martin Settlement	\$	150,000	\$	0	66132
TOTAL GSF	General Services Fund Group	\$	160,000	\$	10,000	66133 66134
Federal Special Revenue Fund Group						66135
3G6 322-639	Medicaid Waiver - Federal	\$	456,311,171	\$	506,618,829	66136
3M7 322-650	CAFS Medicaid	\$	4,278,713	\$	0	66137
325 322-612	Community Social Service Programs	\$	11,186,114	\$	11,164,639	66138
TOTAL FED	Federal Special Revenue Fund Group	\$	471,775,998	\$	517,783,468	66139 66140
State Special Revenue Fund Group						66141
4K8 322-604	Medicaid Waiver - State Match	\$	12,000,000	\$	12,000,000	66142
5DJ 322-625	Targeted Case Management Match	\$	11,082,857	\$	11,470,757	66143
5DJ 322-626	Targeted Case Management Services	\$	27,548,737	\$	28,512,943	66144
5EV 322-627	Program Fees	\$	20,000	\$	20,000	66145
5H0 322-619	Medicaid Repayment	\$	10,000	\$	10,000	66146
5Z1 322-624	County Board Waiver Match	\$	116,000,000	\$	126,000,000	66147
TOTAL SSR	State Special Revenue					66148

Fund Group	\$	166,661,594	\$	178,013,700	66149
TOTAL ALL COMMUNITY SERVICES					66150
BUDGET FUND GROUPS	\$	869,271,565	\$	949,357,826	66151

Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES 66153

The Department of Mental Retardation and Developmental 66154
Disabilities may designate a portion of appropriation item 66155
322-413, Residential and Support Services, for Sermak Class 66156
Services used to implement the requirements of the agreement 66157
settling the condecree in *Sermak v. Manuel*, Case No. c-2-80-220, 66158
United States District Court for the Southern District of Ohio, 66159
Eastern Division. 66160

**Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE 66161
PROGRAMS** 66162

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 66163
the Department of Mental Retardation and Developmental 66164
Disabilities may develop residential and support service programs 66165
funded by appropriation item 322-413, Residential and Support 66166
Services; appropriation item 322-416, Medicaid Waiver - State 66167
Match, appropriation item 322-451, Family Support Services, and 66168
the appropriation for supported living in appropriation item 66169
322-501, County Board Subsidy, that enable persons with mental 66170
retardation and developmental disabilities to live in the 66171
community. Notwithstanding Chapter 5121. and section 5123.122 of 66172
the Revised Code, the Department may waive the support collection 66173
requirements of those statutes for persons in community programs 66174
developed by the Department under this section. The Department 66175
shall adopt rules under Chapter 119. of the Revised Code or may 66176
use existing rules for the implementation of these programs. 66177

Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF) 66178

The purposes for which the foregoing appropriation item 66179

322-416, Medicaid Waiver - State Match, shall be used include the 66180
following: 66181

(A) Home and community-based waiver services under Title XIX 66182
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 66183
as amended. 66184

(B) Services contracted by county boards of mental 66185
retardation and developmental disabilities. 66186

(C) To pay the nonfederal share of the cost of one or more 66187
new intermediate care facility for the mentally retarded certified 66188
beds in a county where the county board of mental retardation and 66189
developmental disabilities does not initiate or support the 66190
development or certification of such beds, if the Director of 66191
Mental Retardation and Developmental Disabilities is required by 66192
this act to transfer to the Director of Job and Family Services 66193
funds to pay such nonfederal share. 66194

The Department of Mental Retardation and Developmental 66195
Disabilities may designate a portion of appropriation item 66196
322-416, Medicaid Waiver - State Match, to county boards of mental 66197
retardation and developmental disabilities that have greater need 66198
for various residential and support services because of a low 66199
percentage of residential and support services development in 66200
comparison to the number of individuals with mental retardation or 66201
developmental disabilities in the county. 66202

Section 337.30.40. STATE SUBSIDY TO COUNTY MR/DD BOARDS 66203

The Department of Mental Retardation and Developmental 66204
Disabilities shall use the foregoing appropriation item 322-501, 66205
County Boards Subsidy, to pay each county board of mental 66206
retardation and developmental disabilities in each fiscal year of 66207
the biennium an amount that is equal to the amount such board 66208
received in fiscal year 2007 from former appropriation items 66209

322-417, Supported Living; 322-452, Service and Support Administration; and 322-501, County Boards Subsidies. 66210
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County boards shall use the subsidy for early childhood services and adult services provided under section 5126.05 of the Revised Code, service and support administration provided under section 5126.15 of the Revised Code, and supported living services provided under sections 5126.40 to 5126.47 of the Revised Code. 66212
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In the event that the appropriation in appropriation item 322-501, County Board Subsidy, for fiscal year 2008 or fiscal year 2009 is greater than the subsidy paid by the Department for fiscal year 2007, the Department and county boards shall develop a formula for allocating the additional appropriation to each county board to support priorities determined by the Department and county boards. 66217
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The Department shall distribute this subsidy to county boards in quarterly installments of equal amounts. The installments shall be made not later than the thirtieth day of September, the thirty-first day of December, the thirty-first day of March, and thirtieth day of June. 66224
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The Department also may use the foregoing appropriation item 322-501, County Boards Subsidy, to pay the nonfederal share of the cost of one or more new intermediate care facility for the mentally retarded certified beds in a county where the county board of mental retardation and developmental disabilities initiates or supports the development or certification of such beds, if the Director of Mental Retardation and Developmental Disabilities is required by this act to transfer to the Director of Job and Family Services funds to pay such nonfederal share. 66229
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Section 337.30.45. MARTIN CONSENT ORDER COMPLIANCE 66238

To comply with the Martin Consent Order, on July 1, 2007, or 66239

as soon as possible thereafter, the Director of Budget and Management shall transfer \$150,000 in cash from the General Revenue Fund to the Program Income Fund (FUND 5MO).

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Section 337.30.50. MEDICAID WAIVER - STATE MATCH (FUND 4K8) 66243

The foregoing appropriation item 322-604, Medicaid Waiver - State Match (Fund 4K8), shall be used as state matching funds for the home and community-based waivers.

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Section 337.30.60. TARGETED CASE MANAGEMENT SERVICES 66247

County boards of mental retardation and developmental disabilities shall pay the nonfederal portion of targeted case management costs to the Department of Mental Retardation and Developmental Disabilities. The Director of Mental Retardation and Developmental Disabilities shall withhold any amount owed to the Department from subsequent disbursements from any appropriation item or money otherwise due to a nonpaying county.

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The Departments of Mental Retardation and Developmental Disabilities and Job and Family Services may enter into an interagency agreement under which the Department of Mental Retardation and Developmental Disabilities shall pay the Department of Job and Family Services the nonfederal portion of the cost of targeted case management services paid by county boards and the Department of Job and Family Services shall pay the total cost of targeted case management claims.

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Section 337.30.70. TRANSFER TO PROGRAM FEE FUND 66263

On July 1, 2007, or as soon as possible thereafter, the Director of Mental Retardation and Developmental Disabilities shall certify to the Director of Budget and Management the amount of cash that has been deposited into Fund 4B5, Conference/Training, pursuant to sections 5123.19 and 5126.25 of

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the Revised Code, less the amount that has been expended from Fund 66269
4B5 to operate the Certification and Registration Program 66270
established under section 5126.25 of the Revised Code and to 66271
license and inspect residential facilities as outlined in section 66272
5123.19 of the Revised Code. The certified amount shall not 66273
include amounts deposited into Fund 4B5 for training and 66274
conferences conducted by the Department of Mental Retardation and 66275
Developmental Disabilities. Upon receipt of the certification, the 66276
Director of Budget and Management shall transfer cash equal to the 66277
amount certified and all associated liabilities and obligations to 66278
Fund 5EV, Program Fee Fund, in the Department of Mental 66279
Retardation and Developmental Disabilities. 66280

Section 337.30.80. DEVELOPMENTAL CENTER BILLING FOR SERVICES 66281

Developmental centers of the Department of Mental Retardation 66282
and Developmental Disabilities may provide services to persons 66283
with mental retardation or developmental disabilities living in 66284
the community or to providers of services to these persons. The 66285
Department may develop a method for recovery of all costs 66286
associated with the provisions of these services. 66287

Section 337.40. RESIDENTIAL FACILITIES 66288

General Revenue Fund 66289

GRF 323-321 Developmental Center \$ 102,796,851 \$ 102,796,851 66290
and Residential
Facilities Operation
Expenses

TOTAL GRF General Revenue Fund \$ 102,796,851 \$ 102,796,851 66291

General Services Fund Group 66292

152 323-609 Developmental Center \$ 912,177 \$ 912,177 66293
and Residential
Operating Services

TOTAL GSF General Services				66294
Fund Group	\$	912,177	\$ 912,177	66295
Federal Special Revenue Fund Group				66296
3A4 323-605 Developmental Center	\$	136,299,536	\$ 137,555,308	66297
and Residential				
Facility Services and				
Support				
TOTAL FED Federal Special Revenue				66298
Fund Group	\$	136,299,536	\$ 137,555,308	66299
State Special Revenue Fund Group				66300
221 322-620 Supplement Service	\$	150,000	\$ 150,000	66301
Trust				
489 323-632 Developmental Center	\$	14,543,764	\$ 14,671,616	66302
Direct Care Support				
TOTAL SSR State Special Revenue				66303
Fund Group	\$	14,693,764	\$ 14,821,616	66304
TOTAL ALL RESIDENTIAL FACILITIES				66305
BUDGET FUND GROUPS	\$	254,702,328	\$ 256,085,952	66306
DEPARTMENT TOTAL				66307
GENERAL REVENUE FUND	\$	369,669,156	\$ 389,282,941	66308
DEPARTMENT TOTAL				66309
GENERAL SERVICES FUND GROUP	\$	1,172,177	\$ 1,022,177	66310
DEPARTMENT TOTAL				66311
FEDERAL SPECIAL REVENUE FUND GROUP	\$	610,780,538	\$ 658,082,406	66312
DEPARTMENT TOTAL				66313
STATE SPECIAL REVENUE FUND GROUP	\$	192,359,213	\$ 204,307,651	66314
TOTAL DEPARTMENT OF MENTAL				66315
RETARDATION AND DEVELOPMENTAL				66316
DISABILITIES	\$	1,173,981,084	\$ 1,252,695,175	66317
Section 337.40.10. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER				66319
PHARMACY PROGRAMS				66320

The Department of Mental Retardation and Developmental 66321
Disabilities shall pay the Department of Job and Family Services 66322
quarterly, through intrastate transfer voucher, the nonfederal 66323
share of Medicaid prescription drug claim costs for all 66324
developmental centers paid by the Department of Job and Family 66325
Services. 66326

Section 337.40.15. GALLIPOLIS DEVELOPMENTAL CENTER PILOT 66327
PROGRAM 66328

The Director of Mental Retardation and Developmental 66329
Disabilities, working with the Director of Job and Family 66330
Services, shall establish a pilot program to be operated during 66331
calendar year 2008 under which the Gallipolis Developmental Center 66332
provides home and community-based services under the Individual 66333
Options Medicaid waiver program to not more than ten individuals 66334
at one time. The pilot program shall be operated in a manner 66335
consistent with the terms of the consent order filed March 5, 66336
2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United 66337
States District Court for the Southern District of Ohio, Eastern 66338
Division. The pilot program also shall be operated in a manner 66339
consistent with the federal Medicaid waiver authorizing the 66340
Individual Options Medicaid waiver program. Only individuals 66341
eligible for the Individual Options Medicaid waiver program who 66342
volunteer to receive home and community-based services under the 66343
Individual Options Medicaid waiver program from the Gallipolis 66344
Developmental Center may participate in the pilot program. The 66345
Director of Mental Retardation and Developmental Disabilities and 66346
the Director of Job and Family Services shall provide the 66347
Gallipolis Developmental Center assistance the Center needs 66348
regarding the pilot program. 66349

The Director of Mental Retardation and Developmental 66350
Disabilities shall conduct an evaluation of the pilot program, 66351

including an evaluation of the quality and effectiveness of the 66352
home and community-based services the Gallipolis Developmental 66353
Center provides under the pilot program. The Director shall submit 66354
a report of the evaluation to the Governor and the General 66355
Assembly not later than April 1, 2009. The Director shall include 66356
in the report recommendations for or against permitting the 66357
Gallipolis Developmental Center to continue to provide home and 66358
community-based services under the Individual Options Medicaid 66359
waiver program and permitting other developmental centers to begin 66360
to provide these services. 66361

Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT 66362
SERVICES 66363

Any county funds received by the Department from county 66364
boards for active treatment shall be deposited in Fund 489, Mental 66365
Retardation Operating. 66366

Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS 66367

(A) As used in this section: 66368

(1) "Family support services," "home and community-based 66369
services," "service and support administration," and "supported 66370
living" have the same meaning as in section 5126.01 of the Revised 66371
Code. 66372

(2) "Intermediate care facility for the mentally retarded" 66373
has the same meaning as in section 5111.20 of the Revised Code. 66374

(B) If one or more new beds obtain certification as an 66375
intermediate care facility for the mentally retarded bed on or 66376
after July 1, 2007, the Director of Mental Retardation and 66377
Developmental Disabilities shall transfer funds to the Department 66378
of Job and Family Services to pay the nonfederal share of the cost 66379
under the Medicaid Program for those beds. The Director shall use 66380
only the following funds for the transfer: 66381

(1) If the beds are located in a county served by a county board of mental retardation and developmental disabilities that does not initiate or support the beds' certification, funds appropriated to the Department of Mental Retardation and Developmental Disabilities for home and community-based services and supported living for which the Director is authorized to make allocations to county boards;

(2) If the beds are located in a county served by a county board that initiates or supports the beds' certification, funds appropriated to the Department for family support services, service and support administration, and other services for which the Director is authorized to make allocations to counties.

(C) The funds that the Director transfers under division (B)(2) of this section shall be funds that the Director has allocated to the county board serving the county in which the beds are located unless the amount of the allocation is insufficient to pay the entire nonfederal share of the cost under the Medicaid Program for those beds. If the allocation is insufficient, the Director shall use as much of such funds allocated to other counties as is needed to make up the difference.

Section 339.10. MIH COMMISSION ON MINORITY HEALTH

General Revenue Fund				66403
GRF 149-321 Operating Expenses	\$	550,211	\$ 561,216	66404
GRF 149-501 Minority Health Grants	\$	670,965	\$ 1,670,965	66405
GRF 149-502 Lupus Program	\$	136,126	\$ 136,126	66406
TOTAL GRF General Revenue Fund	\$	1,357,302	\$ 2,368,307	66407
Federal Special Revenue Fund Group				66408
3J9 149-602 Federal Grants	\$	457,486	\$ 320,297	66409
TOTAL FED Federal Special Revenue				66410
Fund Group	\$	457,486	\$ 320,297	66411

State Special Revenue Fund Group				66412
4C2 149-601 Minority Health	\$	150,000	\$ 150,000	66413
Conference				
TOTAL SSR State Special Revenue				66414
Fund Group	\$	150,000	\$ 150,000	66415
TOTAL ALL BUDGET FUND GROUPS	\$	1,964,788	\$ 2,838,604	66416

Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR 66418
REGISTRATION BOARD 66419

General Service Fund Group				66420
4K9 865-601 Operating Expenses	\$	334,995	\$ 334,995	66421
TOTAL GSF General Services				66422
Fund Group	\$	334,995	\$ 334,995	66423
TOTAL ALL BUDGET FUND GROUPS	\$	334,995	\$ 334,995	66424

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 66425
(FUND 4K9) 66426

Effective July 1, 2007, or as soon as possible thereafter, 66427
the Director of Budget and Management may transfer the cash 66428
balance in the Motor Vehicle Collision Repair Registration Fund 66429
(Fund 5H9), created in division (A) of section 4775.08 of the 66430
Revised Code, to the Occupational Licensing and Regulatory Fund 66431
(Fund 4K9), created in section 4743.05 of the Revised Code. The 66432
Director may cancel any existing encumbrances against 66433
appropriation item 865-609, Operating Expenses - CRB, in Fund 5H9, 66434
and re-establish them against appropriation item 865-601, 66435
Operating Expenses, in Fund 4K9. The amounts of the re-established 66436
encumbrances are hereby appropriated. The Motor Vehicle Collision 66437
Repair Registration Fund (Fund 5H9), created in division (A) of 66438
section 4775.08 of the Revised Code, is hereby abolished. 66439

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 66440
General Revenue Fund 66441

GRF 725-401	Wildlife-GRF Central Support	\$ 2,705,950	\$ 2,800,930	66442
GRF 725-404	Fountain Square Rental Payments - OBA	\$ 1,094,900	\$ 1,081,200	66443
GRF 725-407	Conservation Reserve Enhancement Program	\$ 1,000,000	\$ 1,000,000	66444
GRF 725-413	Lease Rental Payments	\$ 19,589,400	\$ 18,316,200	66445
GRF 725-423	Stream and Ground Water Gauging	\$ 311,910	\$ 311,910	66446
GRF 725-425	Wildlife License Reimbursement	\$ 500,000	\$ 400,000	66447
GRF 725-456	Canal Lands	\$ 332,859	\$ 332,859	66448
GRF 725-502	Soil and Water Districts	\$ 12,237,420	\$ 12,895,791	66449
GRF 725-903	Natural Resources General Obligation Debt Service	\$ 24,713,800	\$ 25,723,000	66450
GRF 727-321	Division of Forestry	\$ 8,541,511	\$ 8,541,511	66451
GRF 728-321	Division of Geological Survey	\$ 1,799,222	\$ 1,825,150	66452
GRF 729-321	Office of Information Technology	\$ 440,895	\$ 440,895	66453
GRF 730-321	Division of Parks and Recreation	\$ 39,874,841	\$ 39,874,841	66454
GRF 733-321	Division of Water	\$ 3,207,619	\$ 3,257,619	66455
GRF 736-321	Division of Engineering	\$ 3,118,703	\$ 3,118,703	66456
GRF 737-321	Division of Soil and Water	\$ 4,074,788	\$ 4,074,788	66457
GRF 738-321	Division of Real Estate and Land Management	\$ 2,291,874	\$ 2,291,874	66458
GRF 741-321	Division of Natural	\$ 3,050,000	\$ 3,050,000	66459

Areas and Preserves				
GRF 744-321	Division of Mineral	\$	3,068,167	\$ 3,068,167 66460
Resources Management				
TOTAL GRF	General Revenue Fund	\$	131,953,859	\$ 132,405,438 66461
General Services Fund Group 66462				
155 725-601	Departmental Projects	\$	2,259,402	\$ 2,260,021 66463
157 725-651	Central Support	\$	6,228,950	\$ 6,528,675 66464
Indirect				
204 725-687	Information Services	\$	4,676,627	\$ 4,676,627 66465
207 725-690	Real Estate Services	\$	64,000	\$ 64,000 66466
223 725-665	Law Enforcement	\$	2,230,485	\$ 2,358,307 66467
Administration				
227 725-406	Parks Projects	\$	110,000	\$ 110,000 66468
Personnel				
4D5 725-618	Recycled Materials	\$	50,000	\$ 50,000 66469
4S9 725-622	NatureWorks Personnel	\$	525,000	\$ 525,000 66470
4X8 725-662	Water Resources	\$	125,000	\$ 125,000 66471
Council				
430 725-671	Canal Lands	\$	1,150,082	\$ 1,150,082 66472
508 725-684	Natural Resources	\$	148,527	\$ 148,280 66473
Publications				
510 725-631	Maintenance -	\$	353,611	\$ 303,611 66474
State-owned Residences				
516 725-620	Water Management	\$	2,913,618	\$ 2,931,513 66475
635 725-664	Fountain Square	\$	3,609,835	\$ 3,640,398 66476
Facilities Management				
697 725-670	Submerged Lands	\$	751,342	\$ 772,011 66477
TOTAL GSF	General Services			66478
Fund Group		\$	25,196,479	\$ 25,643,525 66479
Federal Special Revenue Fund Group 66480				
3B3 725-640	Federal Forest	\$	225,000	\$ 225,000 66481
Pass-Thru				

3B4	725-641	Federal Flood Pass-Thru	\$	490,000	\$	490,000	66482
3B5	725-645	Federal Abandoned Mine Lands	\$	14,307,664	\$	14,307,667	66483
3B6	725-653	Federal Land and Water Conservation Grants	\$	2,000,000	\$	2,000,000	66484
3B7	725-654	Reclamation - Regulatory	\$	2,107,291	\$	2,107,292	66485
3P0	725-630	Natural Areas and Preserves - Federal	\$	215,000	\$	215,000	66486
3P1	725-632	Geological Survey - Federal	\$	655,000	\$	720,000	66487
3P2	725-642	Oil and Gas-Federal	\$	226,961	\$	234,509	66488
3P3	725-650	Coastal Management - Federal	\$	2,643,323	\$	1,691,237	66489
3P4	725-660	Water - Federal	\$	316,304	\$	316,734	66490
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$	1,999,998	\$	2,025,001	66491
3Z5	725-657	REALM-Federal	\$	1,850,000	\$	1,850,000	66492
332	725-669	Federal Mine Safety Grant	\$	258,102	\$	258,102	66493
TOTAL FED Federal Special Revenue							66494
Fund Group			\$	27,294,643	\$	26,440,542	66495
State Special Revenue Fund Group							66496
4J2	725-628	Injection Well Review	\$	67,578	\$	68,933	66497
4M7	725-631	Wildfire Suppression	\$	70,000	\$	0	66498
4M7	725-686	Wildfire Suppression	\$	100,000	\$	100,000	66499
4U6	725-668	Scenic Rivers Protection	\$	407,100	\$	407,100	66500
5BV	725-683	Soil and Water Districts	\$	1,850,000	\$	1,850,000	66501
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	66502
5K1	725-626	Urban Forestry Grant	\$	10,000	\$	12,000	66503

5P2	725-634	Wildlife Boater Angler Administration	\$	3,500,000	\$	3,500,000	66504
509	725-602	State Forest	\$	5,070,946	\$	5,211,924	66505
511	725-646	Ohio Geological Mapping	\$	815,179	\$	724,310	66506
512	725-605	State Parks Operations	\$	27,314,288	\$	27,314,288	66507
512	725-680	Parks Facilities Maintenance	\$	2,576,240	\$	2,576,240	66508
514	725-606	Lake Erie Shoreline	\$	917,113	\$	757,113	66509
518	725-643	Oil and Gas Permit Fees	\$	2,574,378	\$	2,586,568	66510
518	725-677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	66511
521	725-627	Off-Road Vehicle Trails	\$	198,490	\$	143,490	66512
522	725-656	Natural Areas and Preserves	\$	1,550,670	\$	1,550,670	66513
526	725-610	Strip Mining Administration Fee	\$	1,932,491	\$	1,903,871	66514
527	725-637	Surface Mining Administration	\$	1,852,842	\$	1,946,591	66515
529	725-639	Unreclaimed Land Fund	\$	2,892,516	\$	2,024,257	66516
531	725-648	Reclamation Forfeiture	\$	2,062,234	\$	2,062,237	66517
532	725-644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681	66518
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	66519
615	725-661	Dam Safety	\$	548,223	\$	595,416	66520
TOTAL SSR State Special Revenue							66521
Fund Group			\$	64,419,819	\$	63,444,539	66522
Clean Ohio Fund Group							66523
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	66524
TOTAL CLF Clean Ohio Fund Group							66525
Wildlife Fund Group							66526

015	740-401	Division of Wildlife Conservation	\$	53,706,000	\$	54,906,000	66527
815	725-636	Cooperative Management Projects	\$	120,449	\$	120,449	66528
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885	66529
817	725-655	Wildlife Conservation Checkoff Fund	\$	5,000,000	\$	5,000,000	66530
818	725-629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	66531
819	725-685	Ohio River Management	\$	128,584	\$	128,584	66532
TOTAL WLF Wildlife Fund Group			\$	61,421,918	\$	62,621,918	66533
Waterways Safety Fund Group							66534
086	725-414	Waterways Improvement	\$	3,925,075	\$	4,062,452	66535
086	725-418	Buoy Placement	\$	52,182	\$	52,182	66536
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867	66537
086	725-506	Watercraft Marine Patrol	\$	576,153	\$	576,153	66538
086	725-513	Watercraft Educational Grants	\$	366,643	\$	366,643	66539
086	739-401	Division of Watercraft	\$	19,626,681	\$	20,166,681	66540
5AW	725-682	Watercraft Revolving Loans	\$	1,000,000	\$	1,000,000	66541
TOTAL WSF Waterways Safety Fund Group			\$	25,684,601	\$	26,361,978	66542
Holding Account Redistribution Fund Group							66544
R17	725-659	Performance Cash Bond Refunds	\$	279,263	\$	279,263	66545
R43	725-624	Forestry	\$	1,950,188	\$	2,007,977	66546
TOTAL 090 Holding Account Redistribution Fund Group			\$	2,229,451	\$	2,287,240	66548
Accrued Leave Liability Fund Group							66549
4M8	725-675	FOP Contract	\$	20,844	\$	20,844	66550

TOTAL ALF Accrued Leave				66551	
Liability Fund Group	\$	20,844	\$	20,844	66552
TOTAL ALL BUDGET FUND GROUPS	\$	338,376,614	\$	339,381,024	66553

Section 343.20. CENTRAL SUPPORT INDIRECT 66555

With the exception of the Division of Wildlife, whose direct 66556
and indirect central support charges shall be paid out of the 66557
General Revenue Fund from the foregoing appropriation item 66558
725-401, Wildlife-GRF Central Support, the Department of Natural 66559
Resources, with approval of the Director of Budget and Management, 66560
shall utilize a methodology for determining each division's 66561
payments into the Central Support Indirect Fund (Fund 157). The 66562
methodology used shall contain the characteristics of 66563
administrative ease and uniform application in compliance with 66564
federal grant requirements. It may include direct cost charges for 66565
specific services provided. Payments to the Central Support 66566
Indirect Fund (Fund 157) shall be made using an intrastate 66567
transfer voucher. 66568

Section 343.30. FOUNTAIN SQUARE 66569

The foregoing appropriation item 725-404, Fountain Square 66570
Rental Payments - OBA, shall be used by the Department of Natural 66571
Resources to meet all payments required to be made to the Ohio 66572
Building Authority during the period from July 1, 2007, to June 66573
30, 2009, pursuant to leases and agreements with the Ohio Building 66574
Authority under section 152.42 of the Revised Code. These 66575
appropriations are the source of funds pledged for bond service 66576
charges on obligations issued pursuant to Chapter 152. of the 66577
Revised Code. 66578

The Director of Natural Resources, using intrastate transfer 66579
vouchers, shall make payments to the General Revenue Fund from 66580
funds other than the General Revenue Fund to reimburse the General 66581

Revenue Fund for the other funds' shares of the lease rental 66582
payments to the Ohio Building Authority. The transfers from the 66583
non-General Revenue funds shall be made within 10 days of the 66584
payment to the Ohio Building Authority for the actual amounts 66585
necessary to fulfill the leases and agreements pursuant to section 66586
152.241 of the Revised Code. 66587

The foregoing appropriation item 725-664, Fountain Square 66588
Facilities Management (Fund 635), shall be used for payment of 66589
repairs, renovation, utilities, property management, and building 66590
maintenance expenses for the Fountain Square Complex. Cash 66591
transferred by intrastate transfer vouchers from various 66592
department funds and rental income received by the Department of 66593
Natural Resources shall be deposited into the Fountain Square 66594
Facilities Management Fund (Fund 635). 66595

LEASE RENTAL PAYMENTS 66596

The foregoing appropriation item 725-413, Lease Rental 66597
Payments, shall be used to meet all payments at the times they are 66598
required to be made during the period from July 1, 2007, to June 66599
30, 2009, by the Department of Natural Resources pursuant to 66600
leases and agreements made under section 154.22 of the Revised 66601
Code. These appropriations are the source of funds pledged for 66602
bond service charges or obligations issued pursuant to Chapter 66603
154. of the Revised Code. 66604

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 66605

The foregoing appropriation item 725-903, Natural Resources 66606
General Obligation Debt Service, shall be used to pay all debt 66607
service and related financing costs during the period July 1, 66608
2007, to June 30, 2009, on obligations issued under sections 66609
151.01 and 151.05 of the Revised Code. 66610

Section 343.40. WILDLIFE LICENSE REIMBURSEMENT 66611

Notwithstanding the limits of the transfer from the General Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 of the Revised Code, up to the amount available in appropriation item 725-425, Wildlife License Reimbursement, may be transferred from the General Revenue Fund to the Wildlife Fund (Fund 015). Pursuant to the certification of the Director of Budget and Management of the amount of foregone revenue in accordance with section 1533.15 of the Revised Code, the foregoing appropriation item in the General Revenue Fund, appropriation item 725-425, Wildlife License Reimbursement, shall be used to reimburse the Wildlife Fund (Fund 015) for the cost of hunting and fishing licenses and permits issued after June 30, 1990, to individuals who are exempted under the Revised Code from license, permit, and stamp fees.

CANAL LANDS

The foregoing appropriation item 725-456, Canal Lands, shall be used to transfer funds to the Canal Lands Fund (Fund 430) to provide operating expenses for the State Canal Lands Program. The transfer shall be made using an intrastate transfer voucher and shall be subject to the approval of the Director of Budget and Management.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may pay to any soil and water conservation district, from authority in appropriation item 725-502, Soil and Water Districts, an annual amount not to exceed \$30,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys

received by each district shall be expended for the purposes of 66644
the district. The foregoing appropriation item 725-683, Soil and 66645
Water Districts, shall be expended for the purposes described 66646
above, except that the funding source for this appropriation shall 66647
be a fee applied on the disposal of construction and demolition 66648
debris as provided in section 1515.14 of the Revised Code, as 66649
amended by this act. 66650

Of the foregoing appropriation item 725-683, Soil and Water 66651
Districts, \$220,000 in each fiscal year shall be used to support 66652
the Heidelberg College Water Quality Laboratory. 66653

Of the foregoing appropriation item 725-683, Soil and Water 66654
Districts, \$125,000 in each fiscal year shall be used for the 66655
Indian Lake Watershed in Logan County. 66656

Of the foregoing appropriation item 725-502, Soil and Water 66657
Districts, \$50,000 in each fiscal year shall be used for the 66658
Conservation Action Project. 66659

STATE PARK DEPRECIATION RESERVE 66660

The foregoing appropriation item 725-680, Parks Facilities 66661
Maintenance, shall be used by the Division of Parks and Recreation 66662
to maintain state park revenue-producing facilities in the best 66663
economic operating condition and to repair and replace equipment 66664
used in the operation of state park revenue producing facilities. 66665

OIL AND GAS WELL PLUGGING 66666

The foregoing appropriation item 725-677, Oil and Gas Well 66667
Plugging, shall be used exclusively for the purposes of plugging 66668
wells and to properly restore the land surface of idle and orphan 66669
oil and gas wells pursuant to section 1509.071 of the Revised 66670
Code. No funds from the appropriation item shall be used for 66671
salaries, maintenance, equipment, or other administrative 66672
purposes, except for those costs directly attributed to the 66673
plugging of an idle or orphan well. Appropriation authority from 66674

this appropriation item shall not be transferred to any other fund	66675
or line item.	66676
LITTER CONTROL AND RECYCLING	66677
Of the foregoing appropriation item, 725-644, Litter Control	66678
and Recycling, not more than \$1,500,000 may be used in each fiscal	66679
year for the administration of the Recycling and Litter Prevention	66680
program.	66681
CLEAN OHIO OPERATING EXPENSES	66682
The foregoing appropriation item 725-405, Clean Ohio	66683
Operating, shall be used by the Department of Natural Resources in	66684
administering section 1519.05 of the Revised Code.	66685
WATERWAYS IMPROVEMENTS	66686
Of the foregoing appropriation item 725-414, Waterways	66687
Improvement, \$50,000 in each fiscal year shall be used for	66688
dredging operations at Fairport Harbor.	66689
WATERCRAFT MARINE PATROL	66690
Of the foregoing appropriation item 739-401, Division of	66691
Watercraft, not more than \$200,000 in each fiscal year shall be	66692
expended for the purchase of equipment for marine patrols	66693
qualifying for funding from the Department of Natural Resources	66694
pursuant to section 1547.67 of the Revised Code. Proposals for	66695
equipment shall accompany the submission of documentation for	66696
receipt of a marine patrol subsidy pursuant to section 1547.67 of	66697
the Revised Code and shall be loaned to eligible marine patrols	66698
pursuant to a cooperative agreement between the Department of	66699
Natural Resources and the eligible marine patrol.	66700
WATERCRAFT REVOLVING LOAN PROGRAM	66701
Upon certification by the Director of Natural Resources, the	66702
Director of Budget and Management shall transfer an amount not to	66703
exceed \$1,000,000 in fiscal year 2008 and not to exceed \$1,000,000	66704

in fiscal year 2009 so certified from the Waterways Safety Fund 66705
(Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The 66706
moneys shall be used pursuant to sections 1547.721 to 1547.726 of 66707
the Revised Code. 66708

PARKS CAPITAL EXPENSES FUND 66709

The Director of Natural Resources shall submit to the 66710
Director of Budget and Management the estimated design, 66711
engineering, and planning costs of capital-related work to be done 66712
by Department of Natural Resources staff for parks projects. If 66713
the Director of Budget and Management approves the estimated 66714
costs, the Director may release appropriations from appropriation 66715
item 725-406, Parks Projects Personnel, for those purposes. Upon 66716
release of the appropriations, the Department of Natural Resources 66717
shall pay for these expenses from the Parks Capital Expenses Fund 66718
(Fund 227). Expenses paid from Fund 227 shall be reimbursed by the 66719
Parks and Recreation Improvement Fund (Fund 035) using an 66720
intrastate transfer voucher. 66721

CAPITAL EXPENSES FUND 66722

The Department of Natural Resources shall periodically 66723
prepare and submit to the Director of Budget and Management the 66724
estimated design, planning, and engineering costs of 66725
capital-related work to be done by the Department of Natural 66726
Resources for each project. Based on the estimates, the Director 66727
of Budget and Management may release appropriations from 66728
appropriation item CAP-753, Project Planning, within the Ohio 66729
Parks and Natural Resources Fund (Fund 031) to pay for design, 66730
planning, and engineering costs incurred by the Department of 66731
Natural Resources for the projects. Upon release of the 66732
appropriations by the Director of Budget and Management, the 66733
Department of Natural Resources shall pay for these expenses from 66734
the Capital Expenses Fund (Fund 4S9), and shall be reimbursed by 66735
the Ohio Parks and Natural Resources Fund (Fund 031) using an 66736

intrastate voucher. 66737

FUND CONSOLIDATION 66738

On July 1, 2007, or as soon thereafter as possible, the 66739
Director of Budget and Management shall transfer the cash balance 66740
as certified by the Director of Natural Resources from the Federal 66741
Forestry Fund (Fund 328) to the State Forest Fund (Fund 509). The 66742
Director shall cancel any remaining outstanding encumbrances 66743
against appropriation item 725-603, Forestry-Federal, and 66744
re-establish them against appropriation item 725-602, State 66745
Forest. The amounts of any encumbrances canceled and 66746
re-established are hereby appropriated. 66747

On July 1, 2007, or as soon thereafter as possible, the 66748
Director of Budget and Management shall transfer the cash balance 66749
as certified by the Director of Natural Resources from the REALM 66750
Support Services Fund (Fund 206) to the Fountain Square Facilities 66751
Management Fund (Fund 635). The Director shall cancel any 66752
remaining outstanding encumbrances against appropriation item 66753
725-689, REALM Support Services, and re-establish them against 66754
appropriation item 725-664, Fountain Square Facilities Management. 66755
The amounts of any encumbrances canceled and re-established are 66756
hereby appropriated. 66757

STATE PARK OPERATING 66758

All proceeds from insurance companies and any other sources 66759
for the replacement and construction of the Lake Hope Lodge and 66760
its appurtenances shall be deposited into the State Park Operating 66761
Fund (Fund 512). 66762

Section 345.10. NUR STATE BOARD OF NURSING 66763

General Services Fund Group 66764

4K9 884-609 Operating Expenses \$ 5,661,280 \$ 5,661,280 66765

5P8 884-601 Nursing Special Issues \$ 5,000 \$ 5,000 66766

5AC 884-602 Nurse Education Grant	\$	1,450,000	\$	1,450,000	66767
Program					
TOTAL GSF General Services					66768
Fund Group	\$	7,116,280	\$	7,116,280	66769
TOTAL ALL BUDGET FUND GROUPS	\$	7,116,280	\$	7,116,280	66770
NURSING SPECIAL ISSUES					66771
The foregoing appropriation item 884-601, Nursing Special					66772
Issues (Fund 5P8), shall be used to pay the costs the Board of					66773
Nursing incurs in implementing section 4723.062 of the Revised					66774
Code.					66775
Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,					66776
AND ATHLETIC TRAINERS BOARD					66777
General Services Fund Group					66778
4K9 890-609 Operating Expenses	\$	892,241	\$	963,984	66779
TOTAL GSF General Services Fund	\$	892,241	\$	963,984	66780
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	892,241	\$	963,984	66781
Section 349.10. OLA OHIOANA LIBRARY ASSOCIATION					66783
General Revenue Fund					66784
GRF 355-501 Library Subsidy	\$	200,000	\$	200,000	66785
TOTAL GRF General Revenue Fund	\$	200,000	\$	200,000	66786
TOTAL ALL BUDGET FUND GROUPS	\$	200,000	\$	200,000	66787
Section 351.10. ODB OHIO OPTICAL DISPENSERS BOARD					66789
General Services Fund Group					66790
4K9 894-609 Operating Expenses	\$	333,656	\$	345,324	66791
TOTAL GSF General Services					66792
Fund Group	\$	333,656	\$	345,324	66793
TOTAL ALL BUDGET FUND GROUPS	\$	333,656	\$	345,324	66794

Section 353.10. OPT STATE BOARD OF OPTOMETRY				66796
General Services Fund Group				66797
4K9 885-609 Operating Expenses	\$	344,571	\$ 351,071	66798
TOTAL GSF General Services				66799
Fund Group	\$	344,571	\$ 351,071	66800
TOTAL ALL BUDGET FUND GROUPS	\$	344,571	\$ 351,071	66801
 Section 355.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS,				66803
AND PEDORTHICS				66804
General Services Fund Group				66805
4K9 973-609 Operating Expenses	\$	111,300	\$ 116,260	66806
TOTAL GSF General Services				66807
Fund Group	\$	111,300	\$ 116,260	66808
TOTAL ALL BUDGET FUND GROUPS	\$	111,300	\$ 116,260	66809
 Section 357.10. PBR STATE PERSONNEL BOARD OF REVIEW				66810
General Revenue Fund				66811
GRF 124-321 Operating	\$	1,148,181	\$ 1,201,643	66812
TOTAL GRF General Revenue Fund				66813
General Services Fund Group				66814
636 124-601 Records and Reporting	\$	15,000	\$ 15,000	66815
Support				
TOTAL GSF General Services				66816
Fund Group	\$	15,000	\$ 15,000	66817
TOTAL ALL BUDGET FUND GROUPS	\$	1,163,181	\$ 1,216,643	66818
 Section 359.10. UST PETROLEUM UNDERGROUND STORAGE TANK				66820
Agency Fund Group				66821
691 810-632 PUSTRCB Staff	\$	1,116,658	\$ 1,169,181	66822
TOTAL AGY Agency Fund Group				66823
TOTAL ALL BUDGET FUND GROUPS	\$	1,116,658	\$ 1,169,181	66824

Section 361.10. PRX STATE BOARD OF PHARMACY				66826
General Services Fund Group				66827
4A5 887-605 Drug Law Enforcement	\$	75,550	\$ 75,550	66828
4K9 887-609 Operating Expenses	\$	4,874,572	\$ 5,251,032	66829
TOTAL GSF General Services Fund	\$	4,950,122	\$ 5,326,582	66830
Group				
Federal Special Revenue Fund Group				66831
3BC 887-604 Dangerous Drugs	\$	558,531	\$ 491,405	66832
Database				
TOTAL FED Federal Special Revenue	\$	558,531	\$ 491,405	66833
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	5,508,653	\$ 5,817,987	66834
 Section 363.10. PSY STATE BOARD OF PSYCHOLOGY				66836
General Services Fund Group				66837
4K9 882-609 Operating Expenses	\$	586,565	\$ 586,565	66838
TOTAL GSF General Services				66839
Fund Group	\$	586,565	\$ 586,565	66840
TOTAL ALL BUDGET FUND GROUPS	\$	586,565	\$ 586,565	66841
 Section 365.10. PUB OHIO PUBLIC DEFENDER COMMISSION				66843
General Revenue Fund				66844
GRF 019-321 Public Defender	\$	1,287,404	\$ 1,315,150	66845
Administration				
GRF 019-401 State Legal Defense	\$	5,914,023	\$ 6,120,592	66846
Services				
GRF 019-403 Multi-County: State	\$	766,402	\$ 762,727	66847
Share				
GRF 019-404 Trumbull County -	\$	244,816	\$ 243,650	66848
State Share				
GRF 019-405 Training Account	\$	31,324	\$ 31,324	66849

GRF 019-501 County Reimbursement	\$	29,834,251	\$	29,572,857	66850
TOTAL GRF General Revenue Fund	\$	38,078,220	\$	38,046,300	66851
General Services Fund Group					66852
101 019-602 Inmate Legal Assistance	\$	33,338	\$	34,638	66853
407 019-604 County Representation	\$	219,800	\$	227,500	66854
408 019-605 Client Payments	\$	611,537	\$	476,760	66855
5CX 019-617 Civil Case Filing Fee	\$	409,237	\$	598,400	66856
TOTAL GSF General Services Fund Group	\$	1,273,912	\$	1,337,298	66857
Federal Special Revenue Fund Group					66859
3S8 019-608 Federal Representation	\$	350,948	\$	364,917	66860
TOTAL FED Federal Special Revenue Fund Group	\$	350,948	\$	364,917	66861
State Special Revenue Fund Group					66863
4C7 019-601 Multi-County: County Share	\$	2,181,300	\$	2,288,200	66864
4X7 019-610 Trumbull County - County Share	\$	696,800	\$	731,000	66865
574 019-606 Civil Legal Aid	\$	40,000,000	\$	40,000,000	66866
TOTAL SSR State Special Revenue Fund Group	\$	42,878,100	\$	43,019,200	66867
TOTAL ALL BUDGET FUND GROUPS	\$	82,581,180	\$	82,767,715	66868

INDIGENT DEFENSE OFFICE

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The foregoing appropriation items 019-404, Trumbull County - State Share, and 019-610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.

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MULTI-COUNTY OFFICE

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The foregoing appropriation items 019-403, Multi-County: State Share, and 019-601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's

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Multi-County Branch Office Program.				66878	
TRAINING ACCOUNT				66879	
The foregoing appropriation item 019-405, Training Account,				66880	
shall be used by the Ohio Public Defender to provide legal				66881	
training programs at no cost for private appointed counsel who				66882	
represent at least one indigent defendant at no cost and for state				66883	
and county public defenders and attorneys who contract with the				66884	
Ohio Public Defender to provide indigent defense services.				66885	
FEDERAL REPRESENTATION				66886	
The foregoing appropriation item 019-608, Federal				66887	
Representation, shall be used to receive reimbursements from the				66888	
federal courts when the Ohio Public Defender provides				66889	
representation in federal court cases and to support				66890	
representation in such cases.				66891	
Section 367.10. DHS DEPARTMENT OF PUBLIC SAFETY				66892	
General Revenue Fund				66893	
GRF 763-403 Operating Expenses -	\$	4,164,697	\$	4,164,697	66894
EMA					
GRF 768-424 Operating Expenses -	\$	814,478	\$	814,478	66895
CJS					
GRF 769-321 Food Stamp Trafficking	\$	752,000	\$	752,000	66896
Enforcement Operations					
TOTAL GRF General Revenue Fund	\$	5,731,175	\$	5,731,175	66897
General Services Fund Group				66898	
5ET 768-625 Drug Law Enforcement	\$	800,000	\$	800,000	66899
TOTAL GSF General Services Fund	\$	800,000	\$	800,000	66900
Group					
State Special Revenue Fund Group				66901	
5CC 768-607 Public Safety Services	\$	125,000	\$	125,000	66902
5EX 768-690 Disaster Preparedness	\$	350,000	\$	350,000	66903

TOTAL SSR State Special Revenue	\$	475,000	\$	475,000	66904
Fund Group					
Tobacco Master Settlement Agreement Fund Group					66905
L87 767-406 Under-Age Tobacco Use	\$	0	\$	375,000	66906
Enforcement					
TOTAL TSF Tobacco Master Settlement	\$	0	\$	375,000	66907
Agreement Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	7,006,175	\$	7,006,175	66908
OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT					66909
Of the foregoing appropriation item 763-403, Operating					66910
Expenses - EMA, \$200,000 in each fiscal year shall be used to fund					66911
the Ohio Task Force One - Urban Search and Rescue Unit and other					66912
urban search and rescue programs around the state to create a					66913
stronger search and rescue capability statewide.					66914
STATE FIRE MARSHAL FUND CASH TRANSFERS					66915
Notwithstanding section 3737.71 of the Revised Code, on July					66916
1, 2007, or as soon as possible thereafter, the Director of Budget					66917
and Management shall transfer \$125,000 in cash from the State Fire					66918
Marshal Fund (Fund 546) in the Department of Commerce to the					66919
Public Safety Services Fund (Fund 5CC) in the Department of Public					66920
Safety.					66921
Notwithstanding section 3737.71 of the Revised Code, on July					66922
1, 2008, or as soon as possible thereafter, the Director of Budget					66923
and Management shall transfer \$125,000 in cash from the State Fire					66924
Marshal Fund (Fund 546) in the Department of Commerce to the					66925
Public Safety Services Fund (Fund 5CC) in the Department of Public					66926
Safety.					66927
SOUTHERN OHIO DRUG TASK FORCE					66928
The foregoing appropriation item 768-607, Public Safety					66929
Services, shall be distributed by the Division of Criminal Justice					66930
Services in the Department of Public Safety directly to the					66931

Southern Ohio Drug Task Force. 66932

EMA DISASTER PREPAREDNESS AND RESPONSE GRANT 66933

Of the foregoing appropriation item 768-690, Disaster 66934
Preparedness, \$275,000 in fiscal year 2008 and \$350,000 in fiscal 66935
year 2009 shall be used for a grant to the American Red Cross 66936
Greater Columbus Chapter for implementation of programs to assist 66937
in disaster preparedness and response throughout Ohio. The 66938
American Red Cross Greater Columbus Chapter shall develop a 66939
funding plan that includes programmatic, infrastructure, and 66940
administrative costs. Moneys shall be released to the American Red 66941
Cross Greater Columbus Chapter not more than 45 days after 66942
submission of the plan to the Ohio Emergency Management Agency. Of 66943
the foregoing appropriation item 768-690, Disaster Preparedness, 66944
\$75,000 in fiscal year 2008 shall be used for the Fire and 66945
Emergency Services Regionalization Project of Berea and Olmstead 66946
Falls. 66947

CASH TRANSFER TO THE DRUG LAW ENFORCEMENT FUND 66948

Notwithstanding any other provision of law to the contrary, 66949
on the first of July in each of 2007 and 2008, or as soon as 66950
practicable thereafter in each of those years, the Director of 66951
Budget and Management shall transfer \$800,000 in cash from the 66952
Charitable Foundations Fund (Fund 418) to the Drug Law Enforcement 66953
Fund (Fund 5ET). 66954

The foregoing appropriation item 768-625, Drug Law 66955
Enforcement, shall be used by the Division of Criminal Justice 66956
Services of the Department of Public Safety for the purpose of 66957
awarding grants to local law enforcement agencies and local law 66958
enforcement task forces with regard to the enforcement of state 66959
drug laws and other state laws related to illegal drug activity. 66960

Section 369.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 66961

General Services Fund Group				66962
5F6 870-622 Utility and Railroad	\$	32,820,027	\$ 33,804,627	66963
Regulation				
5F6 870-624 NARUC/NRRI Subsidy	\$	158,000	\$ 158,000	66964
5F6 870-625 Motor Transportation	\$	4,635,413	\$ 4,772,765	66965
Regulation				
TOTAL GSF General Services				66966
Fund Group	\$	37,613,440	\$ 38,735,392	66967
Federal Special Revenue Fund Group				66968
3V3 870-604 Commercial Vehicle	\$	300,000	\$ 300,000	66969
Information				
Systems/Networks				
333 870-601 Gas Pipeline Safety	\$	597,957	\$ 597,959	66970
350 870-608 Motor Carrier Safety	\$	7,137,534	\$ 7,351,660	66971
TOTAL FED Federal Special Revenue				66972
Fund Group	\$	8,035,491	\$ 8,249,619	66973
State Special Revenue Fund Group				66974
4A3 870-614 Grade Crossing	\$	1,349,757	\$ 1,349,757	66975
Protection				
Devices-State				
4L8 870-617 Pipeline Safety-State	\$	187,621	\$ 187,621	66976
4S6 870-618 Hazardous Material	\$	464,325	\$ 464,325	66977
Registration				
4S6 870-621 Hazardous Materials	\$	373,346	\$ 373,346	66978
Base State				
Registration				
4U8 870-620 Civil Forfeitures	\$	284,986	\$ 284,986	66979
5BP 870-623 Wireless 9-1-1	\$	26,875,000	\$ 13,375,000	66980
Administration				
559 870-605 Public Utilities	\$	4,000	\$ 4,000	66981
Territorial				
Administration				

560	870-607	Public Utilities	\$	100,000	\$	100,000	66982
		Investigations					
561	870-606	Power Siting Board	\$	404,651	\$	404,652	66983
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	66984
661	870-612	Hazardous Materials	\$	900,000	\$	900,000	66985
		Transportation					
TOTAL SSR State Special Revenue							66986
Fund Group			\$	30,983,686	\$	17,483,687	66987
Agency Fund Group							66988
4G4	870-616	Base State	\$	2,000,000	\$	0	66989
		Registration Program					
TOTAL AGY Agency Fund Group			\$	2,000,000	\$	0	66990
TOTAL ALL BUDGET FUND GROUPS			\$	78,632,617	\$	64,468,698	66991
COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT							66992
The fund created by section 4923.26 of the Revised Code is							66993
the same fund, with a new name, as the Commercial Vehicle							66994
Information Systems and Networks Fund (Fund 3V3).							66995
ENHANCED AND WIRELESS ENHANCED 9-1-1							66996
The foregoing appropriation item 870-623, Wireless 9-1-1							66997
Administration, shall be used pursuant to section 4931.63 of the							66998
Revised Code.							66999
TELECOMMUNICATIONS RELAY SERVICE FUNDING							67000
The Telecommunications Relay Service Fund is hereby created							67001
in the state treasury. The vendor selected to provide							67002
telecommunications relay service in Ohio, as required by 47 C.F.R.							67003
64.601, shall submit an invoice to the Public Utilities Commission							67004
by January 31, 2009, for costs it has incurred in providing the							67005
service during calendar year 2008. The Public Utilities Commission							67006
shall notify the Director of Budget and Management of the amount							67007
invoiced, and the Director of Budget and Management shall transfer							67008
that amount from the Public Utilities Fund (Fund 5F6) to the							67009

Telecommunications Relay Service Fund on or before February 28, 67010
2009. The amount transferred shall be used to pay the 67011
telecommunications relay service vendor the amount invoiced. This 67012
amount is hereby appropriated. 67013

Section 371.10. PWC PUBLIC WORKS COMMISSION 67014

General Revenue Fund 67015

GRF 150-904 Conservation General \$ 14,847,200 \$ 19,779,200 67016
Obligation Debt
Service

GRF 150-907 State Capital \$ 177,513,600 \$ 188,696,300 67017
Improvements
General Obligation 67018
Debt Service

TOTAL GRF General Revenue Fund \$ 192,360,800 \$ 208,475,500 67019

Clean Ohio Conservation Fund Group 67020

056 150-403 Clean Ohio Operating \$ 301,537 \$ 311,509 67021
Expenses

TOTAL 056 Clean Ohio Conservation \$ 301,537 \$ 311,509 67022
Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 192,662,337 \$ 208,787,009 67023

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 67024

The foregoing appropriation item 150-904, Conservation 67025
General Obligation Debt Service, shall be used to pay all debt 67026
service and related financing costs during the period from July 1, 67027
2007, through June 30, 2009, at the times they are required to be 67028
made for obligations issued under sections 151.01 and 151.09 of 67029
the Revised Code. 67030

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 67031

The foregoing appropriation item 150-907, State Capital 67032
Improvements General Obligation Debt Service, shall be used to pay 67033

all debt service and related financing costs during the period 67034
from July 1, 2007, to June 30, 2009, at the times they are 67035
required to be made for obligations issued under sections 151.01 67036
and 151.08 of the Revised Code. 67037

REIMBURSEMENT TO THE GENERAL REVENUE FUND 67038

(A) On or before July 15, 2009, the Director of the Public 67039
Works Commission shall certify to the Director of Budget and 67040
Management the following: 67041

(1) The total amount disbursed from appropriation item 67042
700-409, Farmland Preservation, during the fiscal year 2008-2009 67043
biennium; and 67044

(2) The amount of interest earnings that have been credited 67045
to the Clean Ohio Conservation Fund (Fund 056) that are in excess 67046
of the amount needed for other purposes as calculated by the 67047
Director of the Public Works Commission. 67048

(B) If the Director of Budget and Management determines under 67049
division (A)(2) of this section that there are excess interest 67050
earnings, the Director of Budget and Management shall, on or 67051
before July 15, 2009, transfer the excess interest earnings to the 67052
General Revenue Fund in an amount equal to the total amount 67053
disbursed under division (A)(1) of this section from the Clean 67054
Ohio Conservation Fund. 67055

CLEAN OHIO OPERATING EXPENSES 67056

The foregoing appropriation item 150-403, Clean Ohio 67057
Operating Expenses, shall be used by the Ohio Public Works 67058
Commission in administering sections 164.20 to 164.27 of the 67059
Revised Code. 67060

Section 373.10. RAC STATE RACING COMMISSION 67061

State Special Revenue Fund Group 67062

5C4	875-607	Simulcast Horse Racing Purse	\$	16,000,000	\$	16,000,000	67063
562	875-601	Thoroughbred Race Fund	\$	3,100,000	\$	3,100,000	67064
563	875-602	Standardbred Development Fund	\$	2,600,000	\$	2,600,000	67065
564	875-603	Quarterhorse Development Fund	\$	1,000	\$	1,000	67066
565	875-604	Racing Commission Operating	\$	4,487,599	\$	4,487,599	67067
TOTAL SSR State Special Revenue							67068
Fund Group			\$	26,188,599	\$	26,188,599	67069
Holding Account Redistribution Fund Group							67070
R21	875-605	Bond Reimbursements	\$	212,900	\$	212,900	67071
TOTAL 090 Holding Account Redistribution							67072
Fund Group			\$	212,900	\$	212,900	67073
TOTAL ALL BUDGET FUND GROUPS							67074
 Section 375.10. BOR BOARD OF REGENTS							67076
General Revenue Fund							67077
GRF	235-321	Operating Expenses	\$	3,141,351	\$	3,141,351	67078
GRF	235-401	Lease Rental Payments	\$	203,177,900	\$	136,017,500	67079
GRF	235-402	Sea Grants	\$	300,000	\$	300,000	67080
GRF	235-406	Articulation and Transfer	\$	2,900,000	\$	2,900,000	67081
GRF	235-408	Midwest Higher Education Compact	\$	95,000	\$	95,000	67082
GRF	235-409	Information System	\$	1,175,172	\$	1,175,172	67083
GRF	235-414	State Grants and Scholarship Administration	\$	1,707,881	\$	1,707,881	67084
GRF	235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	67085

GRF 235-417	Ohio Learning Network	\$	3,119,496	\$	3,119,496	67086
GRF 235-418	Access Challenge	\$	66,585,769	\$	66,585,769	67087
GRF 235-420	Success Challenge	\$	53,653,973	\$	53,653,973	67088
GRF 235-428	Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	67089
GRF 235-433	Economic Growth Challenge	\$	17,186,194	\$	17,186,194	67090
GRF 235-434	College Readiness and Access	\$	12,655,425	\$	12,655,425	67091
GRF 235-435	Teacher Improvement Initiatives	\$	4,797,506	\$	11,297,506	67092
GRF 235-436	AccelerateOhio	\$	1,250,000	\$	2,500,000	67093
GRF 235-438	Choose Ohio First Scholarship	\$	50,000,000	\$	50,000,000	67094
GRF 235-439	Ohio Research Scholars	\$	30,000,000	\$	0	67095
GRF 235-451	Eminent Scholars	\$	0	\$	1,000,000	67096
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	67097
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$	1,571,756	67098
GRF 235-501	State Share of Instruction	\$	1,678,877,952	\$	1,842,965,747	67099
GRF 235-502	Student Support Services	\$	795,790	\$	795,790	67100
GRF 235-503	Ohio Instructional Grants	\$	42,533,966	\$	18,315,568	67101
GRF 235-504	War Orphans Scholarships	\$	4,812,321	\$	4,812,321	67102
GRF 235-507	OhioLINK	\$	7,387,824	\$	7,387,824	67103
GRF 235-508	Air Force Institute of Technology	\$	2,050,345	\$	2,050,345	67104
GRF 235-510	Ohio Supercomputer Center	\$	4,271,195	\$	4,271,195	67105

GRF 235-511	Cooperative Extension Service	\$	26,273,260	\$	26,273,260	67106
GRF 235-513	Ohio University Voinovich Center	\$	669,082	\$	669,082	67107
GRF 235-514	Central State Supplement	\$	11,756,414	\$	12,109,106	67108
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,011,271	\$	3,011,271	67109
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000	67110
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470	67111
GRF 235-520	Shawnee State Supplement	\$	2,502,323	\$	2,577,393	67112
GRF 235-521	The Ohio State University Glenn Institute	\$	619,082	\$	619,082	67113
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959	67114
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110	67115
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688	67116
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957	67117
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	67118
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376	67119
GRF 235-535	Ohio Agricultural Research and Development Center	\$	37,174,292	\$	37,174,292	67120
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	67121
GRF 235-537	University of	\$	11,157,756	\$	11,157,756	67122

	Cincinnati Clinical Teaching					
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866	67123
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107	67124
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	67125
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	67126
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	100,000	\$	100,000	67127
GRF 235-547	School of International Business	\$	450,000	\$	650,000	67128
GRF 235-552	Capital Component	\$	19,306,442	\$	19,306,442	67129
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,931,599	\$	2,931,599	67130
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548	67131
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	67132
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223	67133
GRF 235-558	Long-term Care Research	\$	461,047	\$	461,047	67134
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015	67135
GRF 235-563	Ohio College	\$	139,974,954	\$	151,113,781	67136

	Opportunity Grant					
GRF 235-567	Central State	\$	4,400,000	\$	3,800,000	67137
	University Speed to Scale					
GRF 235-571	James A. Rhodes	\$	10,000,000	\$	0	67138
	Scholarship					
GRF 235-572	The Ohio State	\$	1,277,019	\$	1,277,019	67139
	University Clinic Support					
GRF 235-573	Ohio Humanities	\$	25,000	\$	25,000	67140
	Council					
GRF 235-583	Urban University	\$	5,700,937	\$	5,700,937	67141
	Program					
GRF 235-587	Rural University	\$	1,159,889	\$	1,159,889	67142
	Projects					
GRF 235-596	Hazardous Materials	\$	360,435	\$	360,435	67143
	Program					
GRF 235-599	National Guard	\$	16,611,063	\$	16,611,063	67144
	Scholarship Program					
GRF 235-909	Higher Education	\$	172,722,400	\$	208,747,200	67145
	General Obligation Debt Service					
TOTAL GRF	General Revenue Fund	\$	2,773,133,537	\$	2,861,783,923	67146
	General Services Fund Group					67147
220 235-614	Program Approval and	\$	800,000	\$	800,000	67148
	Reauthorization					
456 235-603	Sales and Services	\$	700,000	\$	700,000	67149
TOTAL GSF	General Services					67150
Fund Group		\$	1,500,000	\$	1,500,000	67151
	Federal Special Revenue Fund Group					67152
3BG 235-626	Star Schools	\$	2,980,865	\$	2,990,746	67153
3H2 235-608	Human Services Project	\$	3,000,000	\$	3,000,000	67154

3H2	235-622	Medical Collaboration Network	\$	3,346,144	\$	3,346,144	67155
3N6	235-605	State Student Incentive Grants	\$	2,196,680	\$	2,196,680	67156
3T0	235-610	National Health Service Corps - Ohio Loan Repayment	\$	250,000	\$	250,000	67157
312	235-609	Tech Prep	\$	183,850	\$	183,850	67158
312	235-611	Gear-up Grant	\$	3,300,000	\$	3,300,000	67159
312	235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	67160
312	235-617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	67161
312	235-621	Science Education Network	\$	1,686,970	\$	1,686,970	67162
TOTAL FED Federal Special Revenue							67163
Fund Group			\$	20,257,469	\$	20,267,350	67164
State Special Revenue Fund Group							67165
4E8	235-602	Higher Educational Facility Commission Administration	\$	50,000	\$	45,000	67166
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870	67167
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	67168
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	67169
5DT	235-627	American Diploma Project	\$	250,000	\$	0	67170
TOTAL SSR State Special Revenue							67171
Fund Group			\$	2,429,870	\$	2,174,870	67172

Transfer, shall be used by the Board of Regents to maintain and 67202
expand the work of the Articulation and Transfer Council to 67203
develop a system of transfer policies to ensure that students at 67204
state institutions of higher education can transfer and have 67205
coursework apply to their majors and degrees at any other state 67206
institution of higher education without unnecessary duplication or 67207
institutional barriers under sections 3333.16, 3333.161, and 67208
3333.162 of the Revised Code. The Board of Regents shall, in 67209
consultation with the Governor and the Department of Education, 67210
convene a work group to establish coursework for content knowledge 67211
and teacher competencies for early care and education degrees to 67212
support articulation and transfer of coursework, certifications, 67213
and credit earned across state-supported institutions of higher 67214
education. 67215

Of the foregoing appropriation item 235-406, Articulation and 67216
Transfer, \$200,000 in each fiscal year shall be used to support 67217
the work of the Articulation and Transfer Council under division 67218
(B) of section 3333.162 of the Revised Code. 67219

Section 375.10.50. MIDWEST HIGHER EDUCATION COMPACT 67220

The foregoing appropriation item 235-408, Midwest Higher 67221
Education Compact, shall be distributed by the Board of Regents 67222
under section 3333.40 of the Revised Code. 67223

Section 375.10.60. INFORMATION SYSTEM 67224

The foregoing appropriation item 235-409, Information System, 67225
shall be used by the Board of Regents to operate the higher 67226
education information data system known as the Higher Education 67227
Information System. 67228

Section 375.10.70. STATE GRANTS AND SCHOLARSHIP 67229
ADMINISTRATION 67230

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.

Section 375.10.80. JOBS CHALLENGE

Funds appropriated to the foregoing appropriation item 235-415, Jobs Challenge, shall be distributed to state-assisted community and technical colleges, regional campuses of state-assisted universities, and other organizationally distinct and identifiable member campuses of the EnterpriseOhio Network in support of noncredit job-related training. In each fiscal year, \$2,770,773 shall be distributed as performance grants to EnterpriseOhio Network campuses based upon each campus's documented performance according to criteria established by the Board of Regents for assessment, training, and related services to businesses, industries, and public sector organizations.

Of the foregoing appropriation item 235-415, Jobs Challenge, \$2,819,345 in each fiscal year shall be allocated to the Targeted Industries Training Grant Program to attract, develop, and retain

business and industry strategically important to the state's 67262
economy and regional priorities. 67263

Of the foregoing appropriation item 235-415, Jobs Challenge, 67264
\$3,758,182 in each fiscal year shall be allocated to the Higher 67265
Skills Incentives Program to promote and deliver coordinated 67266
assessment and comprehensive training to local employers and to 67267
reward EnterpriseOhio Network campuses for the amount of 67268
non-credit skill upgrading services provided to Ohio employers and 67269
employees. The funds shall be distributed to campuses in 67270
proportion to each campus's share of noncredit job-related 67271
training revenues received by all campuses for the previous fiscal 67272
year. 67273

Section 375.10.90. OHIO LEARNING NETWORK 67274

The foregoing appropriation item 235-417, Ohio Learning 67275
Network, shall be used by the Board of Regents to support the 67276
continued implementation of the Ohio Learning Network, a statewide 67277
collaborative that delivers adult education including degree 67278
completion, workforce training, and professional development using 67279
online and distance education initiatives. The funds shall be used 67280
by the Ohio Learning Network to develop and promote learning and 67281
assessment through the use of technology, to test and provide 67282
advice on emerging learning-directed technologies, and to 67283
facilitate cost-effectiveness through shared educational 67284
technology investments. 67285

Section 375.20.10. ACCESS CHALLENGE 67286

The foregoing appropriation item 235-418, Access Challenge, 67287
shall be distributed to Ohio's state-assisted access colleges and 67288
universities. For the purposes of this allocation, "access 67289
campuses" includes state-assisted community colleges, state 67290
community colleges, technical colleges, Shawnee State University, 67291

Central State University, Cleveland State University, the regional 67292
campuses of state-assisted universities, and, where they are 67293
organizationally distinct and identifiable, the 67294
community-technical colleges located at the University of 67295
Cincinnati, Youngstown State University, and the University of 67296
Akron. 67297

The purpose of Access Challenge is to reduce the student 67298
share of costs for resident undergraduates enrolled in lower 67299
division undergraduate courses at Ohio's access campuses. The 67300
long-term goal is to make the student share of costs for these 67301
students equivalent to the student share of costs for resident 67302
undergraduate students enrolled throughout Ohio's public colleges 67303
and universities. Access Challenge appropriations shall be used to 67304
sustain, as much as possible, the tuition restraint or tuition 67305
reduction that was achieved with Access Challenge allocations in 67306
prior years. Access campuses shall disclose, in their tuition 67307
billing statements to students, the amount of tuition subsidized 67308
by state Access Challenge subsidies. 67309

In fiscal year 2008, Access Challenge subsidies shall be 67310
distributed by the Board of Regents to eligible access campuses on 67311
the basis of the average of each campus's share of fiscal year 67312
2005 and 2006 all-terms subsidy-eligible General Studies FTEs. In 67313
fiscal year 2009, Access Challenge subsidies shall be distributed 67314
by the Board of Regents to eligible access campuses on the basis 67315
of the average of each campus's share of fiscal year 2006 and 2007 67316
all-terms subsidy-eligible General Studies FTEs. 67317

For purposes of this calculation, Cleveland State 67318
University's enrollments shall be adjusted by the ratio of the sum 67319
of subsidy-eligible lower-division FTE student enrollments 67320
eligible for access funding to the sum of subsidy-eligible General 67321
Studies FTE student enrollments at Central State University and 67322
Shawnee State University, and for the following universities and 67323

their regional campuses: the Ohio State University, Ohio 67324
University, Kent State University, Bowling Green State University, 67325
Miami University, the University of Cincinnati, the University of 67326
Akron, and Wright State University. 67327

Section 375.20.20. SUCCESS CHALLENGE 67328

The foregoing appropriation item 235-420, Success Challenge, 67329
shall be used by the Board of Regents to promote degree completion 67330
by students enrolled at a main campus of a state-assisted 67331
university. 67332

Of the foregoing appropriation item 235-420, Success 67333
Challenge, 66.67 per cent of the appropriation in each fiscal year 67334
shall be distributed to state-assisted university main campuses in 67335
proportion to each campus's share of the total statewide 67336
bachelor's degrees granted by university main campuses to 67337
"at-risk" students. In fiscal years 2008 and 2009, an "at-risk" 67338
student means any undergraduate student who was eligible to 67339
receive an Ohio need-based financial aid award during the past ten 67340
years. An eligible institution shall not receive its share of this 67341
distribution until it has submitted a plan that addresses how the 67342
subsidy will be used to better serve at-risk students and increase 67343
their likelihood of successful completion of a bachelor's degree 67344
program. The Board of Regents shall disseminate to all 67345
state-supported institutions of higher education all such plans 67346
submitted by institutions that received Success Challenge funds. 67347

Of the foregoing appropriation item 235-420, Success 67348
Challenge, 33.33 per cent of the appropriation in each fiscal year 67349
shall be distributed to university main campuses in proportion to 67350
each campus's share of the total bachelor's degrees granted by 67351
university main campuses to undergraduate students who completed 67352
their bachelor's degrees in a "timely manner" in the previous 67353
fiscal year. For purposes of this section, "timely manner" means 67354

the normal time it would take for a full-time degree-seeking 67355
undergraduate student to complete the student's degree. Generally, 67356
for such students pursuing a bachelor's degree, "timely manner" 67357
means four years. Exceptions to this general rule shall be 67358
permitted for students enrolled in programs specifically designed 67359
to be completed in a longer time period. The Board of Regents 67360
shall collect data to assess the timely completion statistics by 67361
university main campuses. 67362

Section 375.20.30. APPALACHIAN NEW ECONOMY PARTNERSHIP 67363

The foregoing appropriation item 235-428, Appalachian New 67364
Economy Partnership, shall be distributed to Ohio University to 67365
continue a multi-campus and multi-agency coordinated effort to 67366
link Appalachia to the new economy. Ohio University shall use 67367
these funds to provide leadership in the development and 67368
implementation of initiatives in the areas of entrepreneurship, 67369
management, education, and technology. 67370

Section 375.20.40. ECONOMIC GROWTH CHALLENGE 67371

The foregoing appropriation item 235-433, Economic Growth 67372
Challenge, shall be used to enhance the basic research 67373
capabilities of Ohio's public and private institutions of higher 67374
education, support improved graduate programs throughout the 67375
state, and promote the transfer of technology developed by 67376
colleges and universities to private industry to further the 67377
economic goals of the state. 67378

Of the foregoing appropriation item 235-433, Economic Growth 67379
Challenge, \$12,000,000 in each fiscal year shall be used for the 67380
Research Incentive Program to enhance the basic research 67381
capabilities of public colleges and universities and accredited 67382
Ohio institutions of higher education holding certificates of 67383
authorization issued under section 1713.02 of the Revised Code, in 67384

order to strengthen academic research for pursuing Ohio's economic 67385
development goals. The Board of Regents, in consultation with the 67386
colleges and universities, shall administer the Research Incentive 67387
Program and utilize a means of matching, on a fractional basis, 67388
external funds attracted in the previous year by institutions for 67389
basic research. The program may include incentives for increasing 67390
the amount of external research funds coming to eligible 67391
institutions and for focusing research efforts upon critical state 67392
needs. Colleges and universities shall submit for review and 67393
approval to the Board of Regents plans for the institutional 67394
allocation of state dollars received through the program. The 67395
institutional plans shall provide the rationale for the allocation 67396
in terms of the strategic targeting of funds for academic and 67397
state purposes, for strengthening research programs, for 67398
increasing the amount of external research funds, and shall 67399
include an evaluation process to provide results of the increased 67400
support. Institutional plans for the use of Research Incentive 67401
funding must demonstrate a significant investment in Third 67402
Frontier activities funded at the institution. For a college or 67403
university with multiple Third Frontier grants, as much as ten per 67404
cent of that institution's Research Incentive funding may be 67405
invested in Third Frontier Project-related activities. Each 67406
institutional plan for the investment of Research Incentive moneys 67407
shall report on existing, planned, or possible relationships with 67408
other state science and technology programs and funding recipients 67409
in order to further ongoing statewide science and technology 67410
collaboration objectives. The Board of Regents shall submit a 67411
biennial report of progress to the General Assembly. 67412

In each fiscal year, both those state-assisted doctoral 67413
degree-granting universities and those accredited Ohio 67414
institutions of higher education holding certificates of 67415
authorization under section 1713.02 of the Revised Code may elect 67416
to participate in the Innovation Incentive Plan designed to 67417

enhance doctoral programs and areas of research that have the 67418
greatest potential to attract preeminent researchers and build 67419
research capacity; enhance regional or state economic growth by 67420
creating new products and services to be commercialized; and 67421
complement Ohio's Third Frontier Project. 67422

In each fiscal year, funding for the Innovation Incentive 67423
Program shall be generated from those state-assisted doctoral 67424
degree-granting universities electing to set aside a portion of 67425
their allocations as provided in appropriation item 235-501, State 67426
Share of Instruction, and state matching funds provided in 67427
appropriation item 235-433, Economic Growth Challenge. In each 67428
fiscal year, the Board of Regents shall withhold each 67429
participating state-assisted university's required matching share 67430
from its allocation as provided in appropriation item 235-501, 67431
State Share of Instruction. Additionally, those accredited Ohio 67432
institutions of higher education holding certificates of 67433
authorization under section 1713.02 of the Revised Code electing 67434
to participate in the Innovation Incentive Program shall be 67435
required to set aside an amount comparable to the state-assisted 67436
doctoral degree-granting universities. The criteria for the 67437
determination of this amount shall be developed by the Board of 67438
Regents. 67439

Of the foregoing appropriation item 235-433, Economic Growth 67440
Challenge, \$4,686,194 in each fiscal year shall match funds set 67441
aside by the participating universities under the Innovation 67442
Incentive Program. 67443

The Board of Regents shall use the combined amount of each 67444
participating state-assisted university's set aside of the 67445
doctoral reserve that has been withheld, the state matching funds 67446
earmarked under appropriation item 235-433, Economic Growth 67447
Challenge, and the amount set aside by each accredited Ohio 67448
institution of higher education holding a certificate of 67449

authorization under section 1713.02 of the Revised Code electing 67450
to participate in the Innovation Incentive Program to make awards 67451
through a competitive process under the Innovation Incentive 67452
Program. Only universities electing to set aside the prescribed 67453
amount shall be eligible to compete for and receive Innovation 67454
Incentive awards. The participating universities shall use these 67455
awards to restructure their array of doctoral programs. 67456

Of the foregoing appropriation item 235-433, Economic Growth 67457
Challenge, \$500,000 in each fiscal year shall be distributed for 67458
the Technology Commercialization Incentive. The purpose of the 67459
Technology Commercialization Incentive is to reward public and 67460
private colleges and universities for successful technology 67461
transfer to Ohio-based business and industry resulting in the 67462
commercialization of new products, processes, and services and the 67463
establishment of new business start-ups within the state. The 67464
Third Frontier Commission, with counsel from the Third Frontier 67465
Advisory Board, shall establish the eligibility criteria for 67466
public and private colleges and universities interested in 67467
applying for Technology Commercialization Incentive funding. To 67468
qualify for the funds, public and private colleges and 67469
universities must maintain a significant investment in their own 67470
technology-transfer and commercialization operation and 67471
capabilities, and possess a significant history of successful 67472
research partnerships with Ohio-based business and industry. 67473

Section 375.20.50. COLLEGE READINESS AND ACCESS 67474

Appropriation item 235-434, College Readiness and Access, 67475
shall be used by the Board of Regents to support programs designed 67476
to improve the academic preparation and increase the number of 67477
students that enroll and succeed in higher education such as the 67478
Ohio College Access Network, the state match for the federal 67479
Gaining Early Awareness and Readiness for Undergraduate Program, 67480

and early awareness initiatives. The appropriation item shall also 67481
be used to support innovative statewide strategies to increase 67482
student access and retention for specialized populations, and to 67483
provide for pilot projects that will contribute to improving 67484
access to higher education by specialized populations. The funds 67485
also may be used for projects that improve access for nonpublic 67486
secondary students. 67487

Of the foregoing appropriation item 235-434, College 67488
Readiness and Access, \$798,684 in fiscal year 2008 and \$822,645 in 67489
fiscal year 2009 shall be distributed to the Ohio Appalachian 67490
Center for Higher Education at Shawnee State University. The board 67491
of directors of the Center shall consist of the presidents of 67492
Shawnee State University, Belmont Technical College, Hocking 67493
College, Jefferson Community College, Zane State College, Rio 67494
Grande Community College, Southern State Community College, and 67495
Washington State Community College; the president of Ohio 67496
University or a designee of the president; the dean of one of the 67497
Salem, Tuscarawas, and East Liverpool regional campuses of Kent 67498
State University, as designated by the president of Kent State 67499
University; and a representative of the Board of Regents 67500
designated by the Chancellor. 67501

Of the foregoing appropriation item 235-434, College 67502
Readiness and Access, \$169,553 in fiscal year 2008 and \$174,640 in 67503
fiscal year 2009 shall be distributed to Miami University for the 67504
Student Achievement in Research and Scholarship (STARS) Program. 67505

Of the foregoing appropriation item 235-434, College 67506
Readiness and Access, \$3,503,985 in each fiscal year shall be used 67507
in conjunction with funding provided in the Ohio Department of 67508
Education budget under appropriation item 200-431, School 67509
Improvement Initiatives, to support the Early College High School 67510
Program. The funds shall be distributed according to guidelines 67511
established by the Department of Education and the Board of 67512

Regents.	67513
Section 375.20.60. TEACHER IMPROVEMENT INITIATIVES	67514
Appropriation item 235-435, Teacher Improvement Initiatives,	67515
shall be used by the Board of Regents to support programs such as	67516
OSI - Discovery and the Centers of Excellence in Mathematics and	67517
Science designed to raise the quality of mathematics and science	67518
teaching in primary, secondary, and post-secondary education.	67519
Of the foregoing appropriation item 235-435, Teacher	67520
Improvement Initiatives, \$204,049 in each fiscal year shall be	67521
distributed to the Mathematics and Science Center in Lake County.	67522
Of the foregoing appropriation item 235-435, Teacher	67523
Improvement Initiatives, \$106,619 in each fiscal year shall be	67524
distributed to the Ohio Mathematics and Science Coalition.	67525
Of the foregoing appropriation item 235-435, Teacher	67526
Improvement Initiatives, \$100,000 in each fiscal year shall be	67527
distributed to the Teacher Quality Partnerships study.	67528
Of the foregoing appropriation item 235-435, Teacher	67529
Improvement Initiatives, \$100,000 in each fiscal year shall be	67530
distributed to the Sinclair Community College Distance Learning	67531
STEM Partnership.	67532
Of the foregoing appropriation item 235-435, Teacher	67533
Improvement Initiatives, \$874,871 in each fiscal year shall be	67534
distributed to the Ohio Resource Center for Mathematics, Science,	67535
and Reading. The funds shall be used to support a resource center	67536
for mathematics, science, and reading to be located at a	67537
state-assisted university for the purpose of identifying best	67538
educational practices in primary and secondary schools and	67539
establishing methods for communicating them to colleges of	67540
education and school districts. The Ohio Resource Center for	67541
Mathematics, Science, and Reading shall not make available	67542

resources that are inconsistent with the K-12 science standards 67543
and policies as adopted by the State Board of Education. 67544

Of the foregoing appropriation item 235-435, Teacher 67545
Improvement Initiatives, up to \$2,000,000 in each fiscal year 67546
shall be used to support up to ten regional summer academies that 67547
focus on foreign language, science, mathematics, engineering, and 67548
technology and prepare eleventh and twelfth grade students 67549
enrolled in public or chartered nonpublic schools to pursue 67550
college-level foreign language, mathematics, science, technology, 67551
and engineering, with a focus on secondary teaching in these 67552
disciplines. Successful completion of these academics shall result 67553
in dual high school and college credits. Costs shall be based upon 67554
reasonable expenses, as determined by the Board of Regents, that 67555
institutions of higher education may incur for faculty, supplies, 67556
and other associated costs. 67557

Of the foregoing appropriation item 235-435, Teacher 67558
Improvement Initiatives, up to \$4,000,000 in fiscal year 2009 67559
shall be used to fund teacher-signing bonuses for individuals that 67560
enter the teaching profession in a public school district or 67561
school district building that has been designated a hard-to-staff 67562
school by the Department of Education. To qualify for the signing 67563
bonus, an individual must: (a) be licensed to teach; (b) be 67564
assigned to teach in foreign language, science, or mathematics; 67565
and (c) agree to teach in a hard-to-staff school for a minimum of 67566
five years. An individual may qualify for up to \$20,000 in 67567
state-funded bonuses if all obligations are met. The Board of 67568
Regents shall develop this program jointly with the Department of 67569
Education and the Partnership for Continued Learning. An 67570
individual may participate in either the teacher-signing bonus 67571
program or the teacher loan-forgiveness program, but may not 67572
receive benefits from both programs. The Board of Regents shall 67573
recoup funds received by any program participant who has not 67574

fulfilled the five-year teaching obligation as described in this 67575
section. 67576

Of the foregoing appropriation item 235-435, Teacher 67577
Improvement Initiatives, up to \$2,500,000 in fiscal year 2009 67578
shall be used to fund teacher loan-forgiveness for individuals 67579
that enter the teaching profession in a school district or school 67580
district building that has been designated as a hard-to-staff 67581
school by the Department of Education. To qualify for the loan 67582
forgiveness, an individual must: (a) be licensed to teach; (b) be 67583
assigned to teach in foreign language, science, or mathematics; 67584
and (c) agree to teach in a hard-to-staff school for a minimum of 67585
five years. An individual may qualify for up to \$20,000 in state 67586
funded loan forgiveness if all obligations are met. The Board of 67587
Regents shall develop this program jointly with the Department of 67588
Education and the Partnership for Continued Learning. An 67589
individual may participate in either the teacher-signing bonus 67590
program or the teacher loan-forgiveness program, but may not 67591
receive benefits from both programs. The Board of Regents shall 67592
recoup funds received by any program participant who has not 67593
fulfilled the five-year teaching obligation as described in this 67594
section. 67595

Section 375.20.70. ACCELERATEOHIO 67596

Of the foregoing appropriation item 235-436 AccelerateOhio, 67597
\$2,000,000 in fiscal year 2008 and \$4,500,000 in fiscal year 2009 67598
shall be used by the Board of Regents, in collaboration with 67599
Ohio's public two-year campuses, to develop and implement a 67600
statewide program designed to improve the education and skills of 67601
Ohio's workforce by assisting low-income working adults in Ohio to 67602
improve their education and training. AccelerateOhio shall consist 67603
of competency-based, low-cost, noncredit, and credit-bearing 67604
modules and courses in communications, mathematics, and 67605

information technology, and other fields selected by the Board of 67606
Regents. The program shall be designed to culminate in a 67607
certificate and provide recipients with a foundation for 67608
additional post-secondary education. 67609

Of the foregoing appropriation item 235-436, AccelerateOhio, 67610
\$500,000 in each fiscal year shall be used to support the Health 67611
Information and Imaging Technology Workforce Development Pilot 67612
Project pursuant to section 3333.55 of the Revised Code. 67613

Section 375.20.76. CHOOSE OHIO FIRST SCHOLARSHIP 67614

The foregoing appropriation item 235-438, Choose Ohio First 67615
Scholarship, shall be disbursed pursuant to sections 3333.60 to 67616
3333.70 of the Revised Code. 67617

Section 375.20.77. OHIO RESEARCH SCHOLARS 67618

The foregoing appropriation item 235-439, Ohio Research 67619
Scholars, shall be disbursed pursuant to sections 3333.60 to 67620
3333.70 of the Revised Code. 67621

Section 375.20.80. EMINENT SCHOLARS 67622

The foregoing appropriation item 235-451, Eminent Scholars, 67623
shall be used by the Ohio Board of Regents to continue the Ohio 67624
Eminent Scholars Program, the purpose of which is to invest 67625
educational resources to address problems that are of vital 67626
statewide significance while fostering the growth in eminence of 67627
Ohio's academic programs. Ohio Eminent Scholars endowed chairs 67628
shall allow Ohio universities to recruit senior faculty members 67629
from outside Ohio who are nationally and internationally 67630
recognized scholars in areas of science and technology that 67631
provide the basic research platforms on which the state's 67632
technology and commercialization efforts are built. Endowment 67633
grants to state colleges and universities and nonprofit Ohio 67634

institutions of higher education holding certificates of 67635
authorization issued under section 1713.02 of the Revised Code to 67636
match endowment gifts from nonstate sources may be made in 67637
accordance with a plan established by the Ohio Board of Regents. 67638
Matching nonstate endowment gifts shall be equal to the state's 67639
endowment grant. The grants shall have as their purpose attracting 67640
and sustaining in Ohio scholar-leaders of national or 67641
international prominence; each grant shall assist in accelerating 67642
state economic growth through research that provides an essential 67643
basic science platform for commercialization efforts. Such 67644
scholar-leaders shall, among their duties, share broadly the 67645
benefits and knowledge unique to their fields of scholarship to 67646
the betterment of Ohio and its people and collaborate with other 67647
state technology programs and program recipients. 67648

All new Eminent Scholar awards made by the Board of Regents 67649
shall be associated with a Wright Center of Innovation, a 67650
Partnership Award from the Biomedical Research and Technology 67651
Transfer Trust Fund, or a Wright Capital Project. 67652

Section 375.20.90. ENTERPRISEOHIO NETWORK 67653

The foregoing appropriation item 235-455, EnterpriseOhio 67654
Network, shall be allocated by the Board of Regents to continue 67655
increasing the capabilities of the EnterpriseOhio Network to meet 67656
the ongoing training needs of Ohio employers. Funds shall support 67657
multicampus collaboration, best practice dissemination, and 67658
capacity building projects. The Regents Advisory Committee for 67659
Workforce Development, in its advisory role, shall advise in the 67660
development of plans and activities. 67661

Section 375.30.10. AREA HEALTH EDUCATION CENTERS 67662

The foregoing appropriation item 235-474, Area Health 67663
Education Centers Program Support, shall be used by the Board of 67664

Regents to support the medical school regional area health 67665
education centers' educational programs for the continued support 67666
of medical and other health professions education and for support 67667
of the Area Health Education Center Program. 67668

Of the foregoing appropriation item 235-474, Area Health 67669
Education Centers Program Support, \$159,158 in each fiscal year 67670
shall be disbursed to the Ohio University College of Osteopathic 67671
Medicine to operate a mobile health care unit to serve the 67672
southeastern area of the state. 67673

Of the foregoing appropriation item 235-474, Area Health 67674
Education Centers Program Support, \$119,369 in each fiscal year 67675
shall be used to support the Ohio Valley Community Health 67676
Information Network (OVCHIN) project. 67677

Section 375.30.20. STATE SHARE OF INSTRUCTION 67678

The Board of Regents shall establish procedures to allocate 67679
the foregoing appropriation item 235-501, State Share of 67680
Instruction, based on the formulas and enrollment in the 67681
instructional models set out in this section. 67682

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS 67683

(1) As soon as practicable during each fiscal year of the 67684
biennium ending June 30, 2009, in accordance with instructions of 67685
the Board of Regents, each state-assisted institution of higher 67686
education shall report its actual enrollment to the Board of 67687
Regents. 67688

(2) In defining the number of full-time equivalent students 67689
for state subsidy purposes, the Board of Regents shall exclude all 67690
undergraduate students who are not residents of Ohio, except those 67691
charged in-state fees in accordance with reciprocity agreements 67692
made under section 3333.17 of the Revised Code or employer 67693
contracts entered into under section 3333.32 of the Revised Code. 67694

(3) In calculating the core subsidy entitlements for Medical 67695
II models only, the Board of Regents shall use the following count 67696
of FTE students: 67697

(a) For those medical schools whose current year enrollment, 67698
including students repeating terms, is below the base enrollment, 67699
the Medical II FTE enrollment shall equal: 65 per cent of the base 67700
enrollment plus 35 per cent of the current year enrollment 67701
including students repeating terms, where the base enrollment is: 67702

The Ohio State University	1010	67703
University of Cincinnati	833	67704
University of Toledo	650	67705
Wright State University	433	67706
Ohio University	433	67707
Northeastern Ohio Universities College of Medicine	433	67708

(b) For those medical schools whose current year enrollment, 67709
excluding students repeating terms, is equal to or greater than 67710
the base enrollment, the Medical II FTE enrollment shall equal the 67711
base enrollment plus the FTE for repeating students. 67712

(c) Students repeating terms may be no more than five per 67713
cent of current year enrollment. 67714

(4) The state share of instruction to state-supported 67715
universities for students enrolled in law schools in fiscal year 67716
2008 and fiscal year 2009 shall be calculated by using the number 67717
of subsidy-eligible FTE law school students funded by state 67718
subsidy in fiscal year 1995 or the actual number of 67719
subsidy-eligible FTE law school students at the institution in the 67720
fiscal year, whichever is less. 67721

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 67722

For purposes of calculating state share of instruction 67723
allocations, the total instructional costs per full-time 67724

equivalent student shall be:			67725
Model	Fiscal	Fiscal	67726
	Year 2008	Year 2009	
ARTS AND HUMANITIES 1	\$7,220	\$7,494	67727
ARTS AND HUMANITIES 2	9,431	9,790	67728
ARTS AND HUMANITIES 3	12,186	12,649	67729
ARTS AND HUMANITIES 4	17,836	18,514	67730
ARTS AND HUMANITIES 5	27,829	28,887	67731
ARTS AND HUMANITIES 6	34,540	35,852	67732
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	6,352	6,594	67733
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	7,389	7,670	67734
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	8,911	9,249	67735
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	10,744	11,152	67736
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	17,070	17,719	67737
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	21,908	22,740	67738
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	26,019	27,008	67739
MEDICAL 1	43,190	44,831	67740
MEDICAL 2	47,635	49,445	67741
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	6,552	6,801	67742
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	9,196	9,545	67743
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	11,610	12,051	67744
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	14,789	15,351	67745
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	18,420	19,119	67746
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	19,990	20,750	67747
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	27,676	28,728	67748
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	35,308	36,650	67749

MEDICINE 8

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, 48,150 49,979 67750

MEDICINE 9

Doctoral I and Doctoral II models shall be allocated in 67751
 accordance with division (D)(1) of this section. 67752

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 67753
 AND GRADUATE WEIGHTS 67754

For the purpose of implementing the recommendations of the 67755
 State Share of Instruction Consultation and the Higher Education 67756
 Funding Study Council that priority be given to maintaining state 67757
 support for science, technology, engineering, mathematics, 67758
 medicine, and graduate programs, the costs in division (B) of this 67759
 section shall be weighted by the amounts provided below: 67760

Model	Fiscal	Fiscal	
	Year 2008	Year 2009	
ARTS AND HUMANITIES 1	1.000	1.000	67762
ARTS AND HUMANITIES 2	1.000	1.000	67763
ARTS AND HUMANITIES 3	1.000	1.000	67764
ARTS AND HUMANITIES 4	1.000	1.000	67765
ARTS AND HUMANITIES 5	1.250	1.250	67766
ARTS AND HUMANITIES 6	1.250	1.250	67767
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.000	1.000	67768
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.000	1.000	67769
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.000	1.000	67770
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.000	1.000	67771
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.250	1.250	67772
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.250	1.250	67773
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.250	1.250	67774
MEDICAL 1	1.500	1.500	67775
MEDICAL 2	1.728	1.728	67776
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.000	1.000	67777
MEDICINE 1			

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.002	1.002	67778
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.613	1.613	67779
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.690	1.690	67780
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.420	1.420	67781
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	2.081	2.081	67782
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.702	1.702	67783
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.808	1.808	67784
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.341	1.341	67785

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 67786
ENTITLEMENTS AND ADJUSTMENTS 67787

(1) Of the foregoing appropriation item 235-501, State Share 67788
of Instruction, up to 10.44 per cent of the appropriation in each 67789
fiscal year shall be reserved for support of doctoral programs to 67790
implement the recommendations of the Graduate Funding Commission. 67791
The amount so reserved shall be referred to as the doctoral 67792
set-aside. 67793

The doctoral set-aside shall be allocated to universities in 67794
proportion to their share of the total number of Doctoral I 67795
equivalent FTEs as calculated on an institutional basis using the 67796
greater of the two-year or five-year FTEs for the period fiscal 67797
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 67798
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 67799
adjusted to reflect the effects of doctoral review and subsequent 67800
changes in Doctoral I equivalent enrollments. For the purposes of 67801

this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

If a university participates in the Innovation Incentive Program outlined in appropriation item 235-433, Economic Growth Challenge, in fiscal year 2008 the Board of Regents shall withhold the university's increasing matching share required by the Innovation Incentive Program from its allocation of the doctoral set-aside.

The Board of Regents shall use the combined amount of each participating state-assisted university's set aside of the doctoral reserve that has been withheld, the state matching funds earmarked under appropriation item 235-433, Economic Growth Challenge, and the amount set aside by each accredited Ohio institution of higher education holding a certificate of authorization under section 1713.02 of the Revised Code electing to participate in the Innovation Incentive Program to make awards through a competitive process under the Innovation Incentive Program. Only universities electing to set aside the prescribed amount shall be eligible to compete for and receive Innovation Incentive awards. The participating universities shall use these awards to restructure their array of doctoral programs.

(2) Each campus's state share of instruction base formula earnings shall be determined as follows:

(a) For each campus in each fiscal year, the instructional costs shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by (i) average subsidy-eligible FTEs for the two-year period ending in the prior year for all models except Doctoral I and Doctoral II; and (ii) average subsidy-eligible FTEs for the five-year period ending in the prior year for all models except Doctoral I and Doctoral II.

(b) The Board of Regents shall compute the two calculations

listed in division (D)(2)(a) of this section and use the greater 67833
amount as each campus's instructional costs. 67834

(c) The Board of Regents shall compute a uniform state share 67835
of instructional costs by dividing the appropriations for 235-501, 67836
State Share of Instruction, less the doctoral set-aside calculated 67837
in division (D)(1) of this section, by the sum of all campuses' 67838
instructional costs as calculated in division (D)(2)(b) of this 67839
section. 67840

(d) The formula entitlement for each campus shall be 67841
determined by multiplying the uniform state share of costs 67842
calculated in division (D)(2)(c) of this section by the campus's 67843
instructional cost determined in division (D)(2)(b) of this 67844
section. 67845

(3) In addition to the doctoral set-aside allocation 67846
determined in division (D)(1) of this section and the formula 67847
entitlement determined in division (D)(2) of this section, an 67848
allocation based on fiscal year 2007 facility-based plant 67849
operations and maintenance (POM) subsidy shall be made. No campus 67850
shall be eligible for a POM allocation if the campus did not 67851
receive a net-assignable-square-foot-based (NASF) POM allocation 67852
in fiscal year 2007 and the amount of state share of instruction 67853
subsidy the campus would have received in fiscal year 2007 had the 67854
campus's calculation been based on the state share of instruction 67855
method described in this section, but using relevant fiscal year 67856
2007 data, is less than 98.5% of the campus's actual final fiscal 67857
year 2007 state share of instruction earnings. 67858

For each eligible campus, the amount of the POM allocation in 67859
each fiscal year shall be the lesser of: 67860

(a) 98.5% of the campus's actual final fiscal year 2007 state 67861
share of instruction earnings, minus the amount the campus would 67862
have received in fiscal year 2007 had the campus's calculation 67863

been based on the state share of instruction method described in 67864
this section, but using relevant fiscal year 2007 data; or 67865

(b) The actual final fiscal year 2007 67866
net-assignable-square-foot-based (NASF) POM allocation that was 67867
provided to the campus. 67868

Any POM allocations required by this division shall be funded 67869
by proportionately reducing formula entitlement earnings, 67870
including the POM allocations, for all campuses. 67871

The Board of Regents, in consultation with representatives of 67872
state-assisted colleges and universities, shall study the need for 67873
the facility-based POM allocations and make recommendations for 67874
changes by June 30, 2008. 67875

(4) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE 67876

In addition to and after the other adjustment noted above, in 67877
each fiscal year, no campus shall receive a state share of 67878
instruction allocation that is less than 100 per cent of the prior 67879
year's state share of instruction amount. Funds shall be made 67880
available to fund this guarantee provision by recalculating the 67881
uniform state share as described in division (D)(2)(c) of this 67882
section by subtracting guarantee funds and the doctoral set-aside 67883
from the total appropriations for appropriation item 235-501, 67884
State Share of Instruction. 67885

(5) CAPITAL COMPONENT DEDUCTION 67886

After all other adjustments have been made, state share of 67887
instruction earnings shall be reduced for each campus by the 67888
amount, if any, by which debt service charged in Am. H.B. 748 of 67889
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 67890
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 67891
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 67892
General Assembly, and Am. Sub. H.B. 699 of the 126th General 67893
Assembly for that campus exceeds that campus's capital component 67894

earnings. The sum of the amounts deducted shall be transferred to 67895
appropriation item 235-552, Capital Component, in each fiscal 67896
year. 67897

(E) EXCEPTIONAL CIRCUMSTANCES 67898

Adjustments may be made to the state share of instruction 67899
payments and other subsidies distributed by the Board of Regents 67900
to state-assisted colleges and universities for exceptional 67901
circumstances. No adjustments for exceptional circumstances may be 67902
made without the recommendation of the Chancellor and the approval 67903
of the Controlling Board. 67904

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 67905
INSTRUCTION 67906

The standard provisions of the state share of instruction 67907
calculation as described in the preceding sections of temporary 67908
law shall apply to any reductions made to appropriation item 67909
235-501, State Share of Instruction, before the Board of Regents 67910
has formally approved the final allocation of the state share of 67911
instruction funds for any fiscal year. 67912

Any reductions made to appropriation item 235-501, State 67913
Share of Instruction, after the Board of Regents has formally 67914
approved the final allocation of the state share of instruction 67915
funds for any fiscal year, shall be uniformly applied to each 67916
campus in proportion to its share of the final allocation. 67917

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 67918

The state share of instruction payments to the institutions 67919
shall be in substantially equal monthly amounts during the fiscal 67920
year, unless otherwise determined by the Director of Budget and 67921
Management pursuant to section 126.09 of the Revised Code. 67922
Payments during the first six months of the fiscal year shall be 67923
based upon the state share of instruction appropriation estimates 67924
made for the various institutions of higher education according to 67925

Board of Regents enrollment estimates. Payments during the last 67926
six months of the fiscal year shall be distributed after approval 67927
of the Controlling Board upon the request of the Board of Regents. 67928

Section 375.30.25. STATE SHARE OF INSTRUCTION FOR FISCAL 67929
YEARS 2008 AND 2009 67930

(A) The boards of trustees of institutions of state-supported 67931
higher education shall restrain increases in in-state 67932
undergraduate instructional and general fees. For the 2007-2008 67933
academic year, each state-supported institution shall not increase 67934
its in-state undergraduate instructional and general fees over 67935
what the institution charged for the 2006-2007 academic year. For 67936
the 2008-2009 academic year, each state-supported institution 67937
shall not increase its in-state undergraduate instructional and 67938
general fees over what the institution charged for the 2007-2008 67939
academic year. 67940

These limitations shall not apply to increases required to 67941
comply with institutional covenants related to their obligations 67942
or to meet unfunded legal mandates or legally binding obligations 67943
incurred or commitments made prior to the effective date of this 67944
section with respect to which the institution had identified such 67945
fee increases as the source of funds. Any increase required by 67946
such covenants and any such mandates, obligations, or commitments 67947
shall be reported by the Board of Regents to the Controlling 67948
Board. These limitations may also be modified by the Board of 67949
Regents, with the approval of the Controlling Board, to respond to 67950
exceptional circumstances as identified by the Board of Regents. 67951

Of the foregoing appropriation item 235-501, State Share of 67952
Instruction, \$58,000,000 in fiscal year 2008 and \$60,000,000 in 67953
fiscal year 2009 shall be distributed based on each campus's 67954
proportional share of the total in-state undergraduate 67955
instructional and general fees for fiscal year 2007. For purposes 67956

of this subsidy, the in-state undergraduate instructional and 67957
general fee amounts for all campuses except for Miami University 67958
shall be determined by multiplying the number of a campus's 67959
in-state full-time equivalent undergraduate students by the 67960
campus's full-time in-state undergraduate instructional and 67961
general fees, prior to deducting any scholarships and student 67962
financial aid grants. In the case of Miami University, the 67963
instructional and general fee amount used in the calculation shall 67964
be the average full-time in-state undergraduate instructional and 67965
general fee amount after taking into account Ohio Resident and 67966
Ohio Leader scholarships. 67967

The remainder of appropriation item 235-501, State Share of 67968
Instruction, shall be distributed according to division (B) of 67969
this section. 67970

(B)(1) Notwithstanding the distribution formulas outlined in 67971
Section 375.30.20 of this act, in fiscal year 2008 each 67972
state-supported institution shall receive what was received in 67973
fiscal year 2007. In addition, each institution shall receive a 67974
proportional share of the total appropriation increase from fiscal 67975
year 2007 to fiscal year 2008 in appropriation item 235-501, State 67976
Share of Instruction, if the institution demonstrates one per cent 67977
savings through identified internal efficiencies in fiscal year 67978
2008, as certified by the Chancellor of the Board of Regents. 67979

Notwithstanding the distribution formulas outlined in Section 67980
375.30.20 of this act, in fiscal year 2009 each state-supported 67981
institution shall receive what was received in fiscal year 2008. 67982
In addition, each institution shall receive a proportional share 67983
of the total appropriation increase from fiscal year 2008 to 67984
fiscal year 2009 in appropriation item 235-501, State Share of 67985
Instruction, if the institution demonstrates three per cent 67986
savings through identified internal efficiencies in fiscal year 67987
2009, as certified by the Chancellor of the Board of Regents. 67988

(2) In each fiscal year, state share of instruction earnings 67989
shall be reduced for each campus by the amount, if any, by which 67990
debt service charged in Am. H.B. 748 of the 121st General 67991
Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. 67992
Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th 67993
General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, 67994
and Am. Sub. H.B. 699 of the 126th General Assembly for that 67995
campus exceeds that campus's capital component earnings. The sum 67996
of the amounts deducted shall be transferred to appropriation item 67997
235-552, Capital Component, in each fiscal year. 67998

Adjustments may be made to the state share of instruction 67999
payments and other subsidies distributed by the Board of Regents 68000
to state-assisted colleges and universities for exceptional 68001
circumstances. No adjustments for exceptional circumstances may be 68002
made without the recommendation of the Board of Regents and the 68003
approval of the Controlling Board. 68004

Any reductions made to appropriation item 235-501, State 68005
Share of Instruction, shall be uniformly applied to each campus in 68006
proportion to its share of the allocation. 68007

The state share of instruction payments to the institutions 68008
shall be in substantially equal monthly amounts during the fiscal 68009
year, unless otherwise determined by the Director of Budget and 68010
Management pursuant to section 126.09 of the Revised Code. 68011
Payments during the last six months of the fiscal year shall be 68012
distributed after approval of the Controlling Board upon the 68013
request of the Board of Regents. 68014

(C) In consultation with the Department of Development, the 68015
Chancellor of the Board of Regents shall commission a study on the 68016
needs of the business community relative to higher education in 68017
the state. The study shall include all of the following: 68018

(1) Determine the needs of Ohio's business community; 68019

- (2) Determine whether state-supported institutions of higher education are meeting those needs; 68020
68021
- (3) Identify how state-supported institutions of higher education can improve to meet those needs; 68022
68023
- (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 68024
68025
68026
- (5) Make any necessary recommendations as to how state-supported institutions of higher education can better meet the needs of the business community. 68027
68028
68029
- 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. 68030
68031
68032
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68034
- (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: 68035
68036
68037
- (1) A plan to achieve the access goal of increasing the number of Ohioans with a college degree by 230,000 by 2017; 68038
68039
- (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; 68040
68041
68042
- (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; 68043
68044
68045
68046
68047
68048
- (4) A plan to enhance the state's competitiveness for 68049

attracting federal and other support for research and development 68050
at public research universities; such a plan shall include goals 68051
for reaching or exceeding the national average level of support, 68052
on a per capita basis, for research and development; 68053

(5) A plan to promote higher education throughout the state 68054
through the coordinated leadership efforts of the Governor, the 68055
Chancellor of the Board of Regents, and other stakeholders; such a 68056
plan shall include goals for using various media and other 68057
partnerships to raise awareness of college opportunities, to 68058
increase public awareness about the value of a college education, 68059
and to create a shared vision that a higher education is 68060
attainable by all Ohioans. 68061

Each of these plans shall include key outcome measures and 68062
other appropriate indicators to allow for monitoring of progress 68063
made in meeting the established goals. Each state-supported 68064
institution of higher education shall provide any student and 68065
institutional outcome data in any program areas requested by the 68066
Chancellor of the Board of Regents, including program efficiency 68067
and utilization of state resources. Each state-supported 68068
institution of higher education shall also commit to increasing 68069
inter-institution collaborations and partnerships and enhancing 68070
efficiencies with the goal of achieving measurable increases in 68071
savings. 68072

In consultation with state-supported institutions of higher 68073
education, the Chancellor of the Board of Regents shall study the 68074
feasibility of establishing and implementing a tuition flexibility 68075
plan that may allow state-supported institutions of higher 68076
education to charge per-credit-hour-based tuition or differential 68077
tuition. 68078

Not later than December 31, 2007, the Chancellor of the Board 68079
of Regents shall report the plan and the tuition flexibility 68080
feasibility study to the Governor, the Speaker and the Minority 68081

Leader of the House of Representatives, and the President and the 68082
Minority Leader of the Senate. 68083

Section 375.30.30. HIGHER EDUCATION - BOARD OF TRUSTEES 68084

Funds appropriated for instructional subsidies at colleges 68085
and universities may be used to provide such branch or other 68086
off-campus undergraduate courses of study and such master's degree 68087
courses of study as may be approved by the Board of Regents. 68088

In providing instructional and other services to students, 68089
boards of trustees of state-assisted institutions of higher 68090
education shall supplement state subsidies by income from charges 68091
to students. Each board shall establish the fees to be charged to 68092
all students, including an instructional fee for educational and 68093
associated operational support of the institution and a general 68094
fee for noninstructional services, including locally financed 68095
student services facilities used for the benefit of enrolled 68096
students. The instructional fee and the general fee shall 68097
encompass all charges for services assessed uniformly to all 68098
enrolled students. Each board may also establish special purpose 68099
fees, service charges, and fines as required; such special purpose 68100
fees and service charges shall be for services or benefits 68101
furnished individual students or specific categories of students 68102
and shall not be applied uniformly to all enrolled students. 68103
Except for the board of trustees of Miami University, in 68104
implementing the pilot tuition restructuring plan recognized in 68105
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly 68106
and again recognized by this act, a tuition surcharge shall be 68107
paid by all students who are not residents of Ohio. 68108

The board of trustees of a state-assisted institution of 68109
higher education shall not authorize a waiver or nonpayment of 68110
instructional fees or general fees for any particular student or 68111
any class of students other than waivers specifically authorized 68112

by law or approved by the Chancellor. This prohibition is not 68113
intended to limit the authority of boards of trustees to provide 68114
for payments to students for services rendered the institution, 68115
nor to prohibit the budgeting of income for staff benefits or for 68116
student assistance in the form of payment of such instructional 68117
and general fees. This prohibition is not intended to limit the 68118
authority of the board of trustees of Miami University in 68119
providing financial assistance to students in implementing the 68120
pilot tuition restructuring plan recognized in Section 89.05 of 68121
Am. Sub. H.B. 95 of the 125th General Assembly and again 68122
recognized by this act. 68123

Except for Miami University, in implementing the pilot 68124
tuition restructuring plan recognized in Section 89.05 of Am. Sub. 68125
H.B. 95 of the 125th General Assembly and again recognized by this 68126
act, each state-assisted institution of higher education in its 68127
statement of charges to students shall separately identify the 68128
instructional fee, the general fee, the tuition charge, and the 68129
tuition surcharge. Fee charges to students for instruction shall 68130
not be considered to be a price of service but shall be considered 68131
to be an integral part of the state government financing program 68132
in support of higher educational opportunity for students. 68133

The board of trustees of state-assisted institutions of 68134
higher education shall ensure that faculty members devote a proper 68135
and judicious part of their work week to the actual instruction of 68136
students. Total class credit hours of production per quarter per 68137
full-time faculty member is expected to meet the standards set 68138
forth in the budget data submitted by the Board of Regents. 68139

The authority of government vested by law in the boards of 68140
trustees of state-assisted institutions of higher education shall 68141
in fact be exercised by those boards. Boards of trustees may 68142
consult extensively with appropriate student and faculty groups. 68143
Administrative decisions about the utilization of available 68144

resources, about organizational structure, about disciplinary 68145
procedure, about the operation and staffing of all auxiliary 68146
facilities, and about administrative personnel shall be the 68147
exclusive prerogative of boards of trustees. Any delegation of 68148
authority by a board of trustees in other areas of responsibility 68149
shall be accompanied by appropriate standards of guidance 68150
concerning expected objectives in the exercise of such delegated 68151
authority and shall be accompanied by periodic review of the 68152
exercise of this delegated authority to the end that the public 68153
interest, in contrast to any institutional or special interest, 68154
shall be served. 68155

Section 375.30.40. STUDENT SUPPORT SERVICES 68156

The foregoing appropriation item 235-502, Student Support 68157
Services, shall be distributed by the Board of Regents to Ohio's 68158
state-assisted colleges and universities that incur 68159
disproportionate costs in the provision of support services to 68160
disabled students. 68161

Section 375.30.50. OHIO INSTRUCTIONAL GRANTS 68162

In each fiscal year, instructional grants for all eligible 68163
full-time students who have attended a college, university, or 68164
proprietary school and have completed coursework for college 68165
credit, excluding early college high school and post-secondary 68166
enrollment option students, prior to academic year 2006-2007, 68167
shall be made using the tables under section 3333.12 of the 68168
Revised Code. 68169

Of the foregoing appropriation item 235-503, Ohio 68170
Instructional Grants, an amount in each fiscal year shall be used 68171
to make the payments authorized by division (C) of section 3333.26 68172
of the Revised Code to the institutions described in that 68173
division. In addition, an amount in each fiscal year shall be used 68174

to reimburse the institutions described in division (B) of section 68175
3333.26 of the Revised Code for the cost of the waivers required 68176
by that division. 68177

The unencumbered balance of appropriation item 235-503, Ohio 68178
Instructional Grants, at the end of fiscal year 2008 shall be 68179
transferred to fiscal year 2009 for use under the same 68180
appropriation item. The amounts transferred are hereby 68181
appropriated. 68182

Section 375.30.60. WAR ORPHANS SCHOLARSHIPS 68183

The foregoing appropriation item 235-504, War Orphans 68184
Scholarships, shall be used to reimburse state-assisted 68185
institutions of higher education for waivers of instructional fees 68186
and general fees provided by them, to provide grants to 68187
institutions that have received a certificate of authorization 68188
from the Ohio Board of Regents under Chapter 1713. of the Revised 68189
Code, in accordance with the provisions of section 5910.04 of the 68190
Revised Code, and to fund additional scholarship benefits provided 68191
by section 5910.032 of the Revised Code. 68192

Section 375.30.70. OHIOLINK 68193

The foregoing appropriation item 235-507, OhioLINK, shall be 68194
used by the Board of Regents to support OhioLINK, the state's 68195
electronic library information and retrieval system, which 68196
provides access statewide to an extensive set of electronic 68197
databases and resources and the library holdings of all of Ohio's 68198
public colleges and universities, 44 private colleges, and the 68199
State Library of Ohio. 68200

Section 375.30.80. AIR FORCE INSTITUTE OF TECHNOLOGY 68201

The foregoing appropriation item 235-508, Air Force Institute 68202
of Technology, shall be used to strengthen the research and 68203

educational linkages between the Wright Patterson Air Force Base 68204
and institutions of higher education in Ohio. Of the foregoing 68205
appropriation item 235-508, Air Force Institute of Technology, 68206
\$1,233,588 in each fiscal year shall be used for research projects 68207
that connect the Air Force Research Laboratories with university 68208
partners. The institute shall provide annual reports to the Third 68209
Frontier Commission, that discuss existing, planned, or possible 68210
collaborations between programs and funding recipients related to 68211
technology, research development, commercialization, and support 68212
for Ohio's economic development. 68213

Of the foregoing appropriation item 235-508, Air Force 68214
Institute of Technology, \$691,757 in each fiscal year shall be 68215
used to match federal dollars to support technology 68216
commercialization and job creation. The Development Research 68217
Corporation shall use the funds to create or expand Ohio-based 68218
technology and commercial development collaborations in areas that 68219
are a priority in Ohio's third frontier initiative between 68220
industry, academia, and government. 68221

Section 375.30.90. OHIO SUPERCOMPUTER CENTER 68222

The foregoing appropriation item 235-510, Ohio Supercomputer 68223
Center, shall be used by the Board of Regents to support the 68224
operation of the Ohio Super Computer Center, located at The Ohio 68225
State University, as a statewide resource available to Ohio 68226
research universities both public and private. It is also intended 68227
that the center be made accessible to private industry as 68228
appropriate. Policies of the center shall be established by a 68229
governance committee, representative of Ohio's research 68230
universities and private industry, to be appointed by the 68231
Chancellor of the Board of Regents and established for this 68232
purpose. 68233

Funds shall be used, in part, to support the Ohio 68234

Supercomputer Center's Computational Science Initiative which 68235
includes its industrial outreach program, Blue Collar Computing, 68236
and its School of Computational Science. These collaborations 68237
between the Ohio Supercomputer Center and Ohio's colleges and 68238
universities shall be aimed at making Ohio a leader in using 68239
computer modeling to promote economic development. 68240

Of the foregoing appropriation item 235-510, Ohio 68241
Supercomputer Center, \$250,000 in each fiscal year shall be used 68242
to support the Super Computer Center's activities in Beavercreek. 68243

Section 375.40.10. COOPERATIVE EXTENSION SERVICE 68244

The foregoing appropriation item 235-511, Cooperative 68245
Extension Service, shall be disbursed through the Board of Regents 68246
to The Ohio State University in monthly payments, unless otherwise 68247
determined by the Director of Budget and Management under section 68248
126.09 of the Revised Code. 68249

Of the foregoing appropriation item 235-511, Cooperative 68250
Extension Service, \$178,271 in each fiscal year shall be used for 68251
additional staffing for county agents for expanded 4-H activities. 68252
Of the foregoing appropriation item 235-511, Cooperative Extension 68253
Service, \$178,271 in each fiscal year shall be used by the 68254
Cooperative Extension Service, through the Enterprise Center for 68255
Economic Development in cooperation with other agencies, for a 68256
public-private effort to create and operate a small business 68257
economic development program to enhance the development of 68258
alternatives to the growing of tobacco, and implement, through 68259
applied research and demonstration, the production and marketing 68260
of other high-value crops and value-added products. Of the 68261
foregoing appropriation item 235-511, Cooperative Extension 68262
Service, \$55,179 in each fiscal year shall be used for farm labor 68263
mediation and education programs, \$182,515 in each fiscal year 68264
shall be used to support the Ohio State University Marion 68265

Enterprise Center, and \$772,931 in each fiscal year shall be used 68266
to support the Ohio Watersheds Initiative. 68267

Section 375.40.20. OHIO UNIVERSITY VOINOVICH CENTER 68268

The foregoing appropriation item 235-513, Ohio University 68269
Voinovich Center, shall be used by the Board of Regents to support 68270
the operations of Ohio University's Voinovich Center. 68271

Section 375.40.30. PERFORMANCE STANDARDS FOR MEDICAL 68272
EDUCATION 68273

The Board of Regents, in consultation with the state-assisted 68274
medical colleges, shall develop performance standards for medical 68275
education. Special emphasis in the standards shall be placed on 68276
attempting to ensure that at least 50 per cent of the aggregate 68277
number of students enrolled in state-assisted medical colleges 68278
continue to enter residency as primary care physicians. Primary 68279
care physicians are general family practice physicians, general 68280
internal medicine practitioners, and general pediatric care 68281
physicians. The Board of Regents shall monitor medical school 68282
performance in relation to their plans for reaching the 50 per 68283
cent systemwide standard for primary care physicians. 68284

Section 375.40.35. CENTRAL STATE SUPPLEMENT 68285

The foregoing appropriation item 235-514, Central State 68286
Supplement, shall be used by Central State University to keep 68287
undergraduate fees below the statewide average, consistent with 68288
its mission of service to many first-generation college students 68289
from groups historically underrepresented in higher education and 68290
from families with limited incomes. 68291

Section 375.40.40. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 68292
MEDICINE 68293

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 68301

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 68314

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 68318

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 68323
its mission of service to an economically depressed Appalachian 68324
region; 68325

(B) To allow Shawnee State University to employ new faculty 68326
to develop and teach in new degree programs that meet the needs of 68327
Appalachians. 68328

Section 375.40.80. OSU GLENN INSTITUTE 68329

The foregoing appropriation item 235-521, The Ohio State 68330
University Glenn Institute, shall be used by the Board of Regents 68331
to support the operations of the Ohio State University's Glenn 68332
Institute. 68333

Section 375.40.90. POLICE AND FIRE PROTECTION 68334

The foregoing appropriation item 235-524, Police and Fire 68335
Protection, shall be used for police and fire services in the 68336
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 68337
Portsmouth, Xenia Township (Greene County), Rootstown Township, 68338
and the City of Nelsonville that may be used to assist these local 68339
governments in providing police and fire protection for the 68340
central campus of the state-affiliated university located therein. 68341
Each participating municipality and township shall receive at 68342
least \$5,000 in each fiscal year. Funds shall be distributed 68343
according to the method employed by the Board of Regents in the 68344
previous biennium. 68345

Section 375.50.10. GERIATRIC MEDICINE 68346

The Board of Regents shall develop plans consistent with 68347
existing criteria and guidelines as may be required for the 68348
distribution of appropriation item 235-525, Geriatric Medicine. 68349

Section 375.50.20. PRIMARY CARE RESIDENCIES 68350

The Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235-526, Primary Care Residencies.

The foregoing appropriation item 235-526, Primary Care Residencies, shall be distributed in each fiscal year of the biennium, based on whether or not the institution has submitted and gained approval for a plan. If the institution does not have an approved plan, it shall receive five per cent less funding per student than it would have received from its annual allocation. The remaining funding shall be distributed among those institutions that meet or exceed their targets.

Section 375.50.30. OHIO AEROSPACE INSTITUTE

The foregoing appropriation item 235-527, Ohio Aerospace Institute, shall be distributed by the Board of Regents under section 3333.042 of the Revised Code.

The Board of Regents, in consultation with the Third Frontier Commission, shall develop a plan for providing for appropriate, value-added participation of the Ohio Aerospace Institute in Third Frontier Project proposals and grants.

Section 375.50.40. ACADEMIC SCHOLARSHIPS

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

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 68380
by the Board for purposes of section 3333.122 of the Revised Code, 68381
of \$95,000 or less. 68382

Section 375.50.60. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 68383
CENTER 68384

The foregoing appropriation item 235-535, Ohio Agricultural 68385
Research and Development Center, shall be disbursed through the 68386
Board of Regents to The Ohio State University in monthly payments, 68387
unless otherwise determined by the Director of Budget and 68388
Management under section 126.09 of the Revised Code. The Ohio 68389
Agricultural Research and Development Center shall not be required 68390
to remit payment to The Ohio State University during the biennium 68391
ending June 30, 2009, for cost reallocation assessments. The cost 68392
reallocation assessments include, but are not limited to, any 68393
assessment on state appropriations to the Center. 68394

The Ohio Agricultural Research and Development Center, an 68395
entity of the College of Food, Agricultural, and Environmental 68396
Sciences of The Ohio State University, shall further its mission 68397
of enhancing Ohio's economic development and job creation by 68398
continuing to internally allocate on a competitive basis 68399
appropriated funding of programs based on demonstrated 68400
performance. Academic units, faculty, and faculty-driven programs 68401
shall be evaluated and rewarded consistent with agreed-upon 68402
performance expectations as called for in the College's 68403
Expectations and Criteria for Performance Assessment. 68404

Of the foregoing appropriation item 235-535, Ohio 68405
Agricultural Research and Development Center, \$467,578 in each 68406
fiscal year shall be used to purchase equipment. 68407

Of the foregoing appropriation item 235-535, Ohio 68408
Agricultural Research and Development Center, \$822,592 in each 68409
fiscal year shall be distributed to the Piketon Agricultural 68410

Research and Extension Center. 68411

Of the foregoing appropriation item 235-535, Ohio 68412
Agricultural Research and Development Center, \$216,471 in each 68413
fiscal year shall be distributed to the 68414
Raspberry/Strawberry-Ellagic Acid Research program at The Ohio 68415
State University Medical College in cooperation with The Ohio 68416
State University College of Agriculture. 68417

Of the foregoing appropriation item 235-535, Ohio 68418
Agricultural Research and Development Center, \$43,294 in each 68419
fiscal year shall be used to support the Ohio Berry Administrator. 68420

Of the foregoing appropriation item 235-535, Ohio 68421
Agricultural Research and Development Center, \$86,588 in each 68422
fiscal year shall be used for the development of agricultural 68423
crops and products not currently in widespread production in Ohio, 68424
in order to increase the income and viability of family farmers. 68425

Section 375.50.70. STATE UNIVERSITY CLINICAL TEACHING 68426

The foregoing appropriation items 235-536, The Ohio State 68427
University Clinical Teaching; 235-537, University of Cincinnati 68428
Clinical Teaching; 235-538, University of Toledo Clinical 68429
Teaching; 235-539, Wright State University Clinical Teaching; 68430
235-540, Ohio University Clinical Teaching; and 235-541, 68431
Northeastern Ohio Universities College of Medicine Clinical 68432
Teaching, shall be distributed through the Board of Regents. 68433

Of the foregoing appropriation item 235-539, Wright State 68434
University Clinical Teaching, \$124,644 in each fiscal year of the 68435
biennium shall be for the use of Wright State University's Ellis 68436
Institute for Clinical Teaching Studies to operate the clinical 68437
facility to serve the Greater Dayton area. 68438

Section 375.50.80. SCHOOL OF INTERNATIONAL BUSINESS 68439

Of the foregoing appropriation item 235-547, School of 68440
International Business, \$250,000 in each fiscal year shall be used 68441
for the continued development and support of the School of 68442
International Business of the state universities of northeast 68443
Ohio. The money shall go to The University of Akron. These funds 68444
shall be used by the university to establish a School of 68445
International Business located at The University of Akron. It may 68446
confer with Kent State University, Youngstown State University, 68447
and Cleveland State University as to the curriculum and other 68448
matters regarding the school. 68449

Of the foregoing appropriation item 235-547, School of 68450
International Business, \$100,000 in each fiscal year shall be used 68451
by the University of Toledo College of Business for expansion of 68452
its international business programs. 68453

Of the foregoing appropriation item 235-547, School of 68454
International Business, \$100,000 in each fiscal year shall be used 68455
to support the Ohio State University BioMEMS program. 68456

Of the foregoing appropriation item 235-547, School of 68457
International Business, \$100,000 in fiscal year 2009 shall be used 68458
to support the Supporting Education for the Returning Veterans 68459
(SERV) program at Cleveland State University. 68460

Of the foregoing appropriation item 235-547, School of 68461
International Business, \$100,000 in fiscal year 2009 shall be used 68462
to support the Veterans Upward Bound (VUB) program at Cuyahoga 68463
Community College. 68464

Section 375.50.90. CAPITAL COMPONENT 68465

The foregoing appropriation item 235-552, Capital Component, 68466
shall be used by the Board of Regents to implement the capital 68467
funding policy for state-assisted colleges and universities 68468
established in Am. H.B. 748 of the 121st General Assembly. 68469

Appropriations from this item shall be distributed to all campuses 68470
for which the estimated campus debt service attributable to new 68471
qualifying capital projects is less than the campus's 68472
formula-determined capital component allocation. Campus 68473
allocations shall be determined by subtracting the estimated 68474
campus debt service attributable to new qualifying capital 68475
projects from the campus's formula-determined capital component 68476
allocation. Moneys distributed from this appropriation item shall 68477
be restricted to capital-related purposes. 68478

Any campus for which the estimated campus debt service 68479
attributable to qualifying capital projects is greater than the 68480
campus's formula-determined capital component allocation shall 68481
have the difference subtracted from its State Share of Instruction 68482
allocation in each fiscal year. The sum of all such amounts shall 68483
be transferred from appropriation item 235-501, State Share of 68484
Instruction, to appropriation item 235-552, Capital Component. 68485

Section 375.60.10. DAYTON AREA GRADUATE STUDIES INSTITUTE 68486

The foregoing appropriation item 235-553, Dayton Area 68487
Graduate Studies Institute, shall be used by the Board of Regents 68488
to support the Dayton Area Graduate Studies Institute, an 68489
engineering graduate consortium of three universities in the 68490
Dayton area: Wright State University, the University of Dayton, 68491
and the Air Force Institute of Technology, with the participation 68492
of the University of Cincinnati and The Ohio State University. 68493

Of the foregoing appropriation item 235-553, Dayton Area 68494
Graduate Studies Institute, \$350,000 in each fiscal year shall be 68495
used by the Development Research Corporation to support 68496
collaborative research and technology commercialization 68497
initiatives in Ohio. 68498

Section 375.60.20. PRIORITIES IN COLLABORATIVE GRADUATE 68499

EDUCATION 68500

The foregoing appropriation item 235-554, Priorities in Collaborative Graduate Education, shall be used to support improvements in graduate fields of study at state-assisted universities identified by the Board of Regents, in consultation with the Department of Development and the Department of Job and Family Services, as vital to the state's economic strategy or related to an area of workforce shortage. Each fiscal year, participating institutions shall collectively submit for Board of Regents approval a plan describing how they will work collaboratively to improve the quality of their graduate programs and how the funds are to be used for this purpose. The collaborative effort for Ph.D. computer science programs shall be coordinated by the Ohio Supercomputer Center as part of its School of Computational Science.

Section 375.60.30. LIBRARY DEPOSITORIES 68515

The foregoing appropriation item, 235-555, Library Depositories, shall be distributed to the state's five regional depository libraries for the cost-effective storage of and access to lesser-used materials in university library collections. The distribution of funds shall be coordinated by the Board of Regents.

Section 375.60.40. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 68522

The foregoing appropriation item 235-556, Ohio Academic Resources Network, shall be used to support the operations of the Ohio Academic Resources Network, which shall include support for Ohio's state-assisted colleges and universities in maintaining and enhancing network connections and in using new network technologies to improve research, education, and economic development programs. The network shall give priority to

supporting the Third Frontier Network and allocating bandwidth to 68530
programs directly supporting Ohio's economic development. 68531

Section 375.60.50. LONG-TERM CARE RESEARCH 68532

Of the foregoing appropriation item 235-558, Long-term Care 68533
Research, \$211,047 in each fiscal year shall be disbursed to Miami 68534
University for long-term care research. 68535

Of the foregoing appropriation item 235-558, Long-term Care 68536
Research, \$150,000 in each fiscal year shall be disbursed to the 68537
University of Cincinnati to support Alzheimer's and dementia 68538
research pursuant to an affiliation agreement with the Alois 68539
Alzheimer Center. 68540

**Section 375.60.60. BOWLING GREEN STATE UNIVERSITY CANADIAN 68541
STUDIES CENTER** 68542

The foregoing appropriation item 235-561, Bowling Green State 68543
University Canadian Studies Center, shall be used by the Canadian 68544
Studies Center at Bowling Green State University to study 68545
opportunities for Ohio and Ohio businesses to benefit from the 68546
Free Trade Agreement between the United States and Canada. 68547

Section 375.60.70. OHIO COLLEGE OPPORTUNITY GRANT PHASE-IN 68548

The foregoing appropriation item 235-563, Ohio College 68549
Opportunity Grant, shall be used by the Board of Regents to begin 68550
to award needs-based financial aid to students based on the United 68551
States Department of Education's method of determining financial 68552
need. Students who enrolled in a public, private, or proprietary 68553
post-secondary institution of higher education for the first time 68554
in academic year 2006-2007, excluding early college high school 68555
and post-secondary enrollment option participants, shall be 68556
eligible to receive aid based on their expected family 68557
contributions as calculated by the United States Department of 68558

Education, according to section 3333.122 of the Revised Code. 68559

Eligible expenditures from the foregoing appropriation item 68560
235-563, Ohio College Opportunity Grant, shall be claimed each 68561
fiscal year to help meet the state's TANF maintenance of effort 68562
requirement. The Chancellor of the Board of Regents and the 68563
Director of Job and Family Services shall enter into an 68564
interagency agreement to carry out this paragraph, which shall 68565
include, but not be limited to, developing reporting guidelines 68566
for these expenditures. 68567

Section 375.60.80. CENTRAL STATE UNIVERSITY SPEED TO SCALE 68568

The foregoing appropriation 235-567, Central State University 68569
Speed to Scale, shall be used to achieve the goals of the Speed to 68570
Scale Plan, which include increasing student enrollment through 68571
freshman recruitment and transferred students, increasing the 68572
proportion of in-state students to 80 per cent of the total 68573
student population, and increasing the student retention rates 68574
between the first and second year of college by two per cent each 68575
year. The goals shall be accomplished by targeting student 68576
retention, improved articulation agreements with two-year 68577
campuses, increased use of alternative course options, including 68578
online coursework and Ohio Learning Network resources, College 68579
Tech Prep, Post Secondary Enrollment Options, and other 68580
dual-credit programs, and strategic partnerships with research 68581
institutions to improve the quality of Central State University's 68582
offering of science, technology, engineering, mathematics, and 68583
medical instruction. In fiscal year 2009, the disbursement of 68584
these funds shall be contingent upon Central State University 68585
meeting the annual goals for the student enrollment and 68586
first-to-second-year retention rate increases. 68587

There is hereby created the Speed to Scale Task Force that 68588
shall meet not less than quarterly to discuss progress of the 68589

plan, including performance on accountability metrics, issues 68590
experienced in planned efforts, and to monitor and support the 68591
creation of partnerships with other state institutions of higher 68592
education. The Task Force shall consist of the president of 68593
Central State University or the president's designee, the 68594
president of Sinclair Community College or the president's 68595
designee, the president of Cincinnati State Technical and 68596
Community College or the president's designee, the president of 68597
Cuyahoga Community College or the president's designee, The Ohio 68598
State University or the president's designee, the president of the 68599
University of Cincinnati or the president's designee, one 68600
representative from the Board of Regents, one member of the House 68601
of Representatives appointed by the Speaker of the House of 68602
Representatives, one member of the Senate appointed by the 68603
President of the Senate, the Director of Budget and Management or 68604
the director's designee, and a representative of the Governor's 68605
Office as appointed by the Governor. 68606

On the thirtieth day of June of each fiscal year, Central 68607
State University and the Speed to Scale Task Force shall jointly 68608
submit to the Governor, the Director of Budget and Management, the 68609
Speaker of the House of Representatives, the President of the 68610
Senate, and the Board of Regents a report describing the status of 68611
their progress on the accountability metrics included in the Speed 68612
to Scale plan. 68613

Section 375.60.85. OHIO HUMANITIES COUNCIL 68614

The foregoing appropriation item 235-569, Ohio Humanities 68615
Council, shall be used to support humanities research, education, 68616
teacher development, and outreach activities through the Ohio 68617
Humanities Council. 68618

Section 375.60.95. JAMES A. RHODES SCHOLARSHIP 68619

The foregoing appropriation item 235-571, James A. Rhodes Scholarship, shall be used to match the funds raised by the James A. Rhodes Education Foundation. Upon receiving certification that the Foundation has raised at least \$10,000,000 from nonstate resources, the Board of Regents shall disburse the foregoing appropriation to the Foundation.

Section 375.70.10. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 68626

The foregoing appropriation item 235-572, The Ohio State University Clinic Support, shall be distributed through the Board of Regents to The Ohio State University for support of dental and veterinary medicine clinics.

Section 375.70.20. URBAN UNIVERSITY PROGRAM 68631

Universities receiving funds from the foregoing appropriation item 235-583, Urban University Program, that are used to support an ongoing university unit shall certify periodically in a manner approved by the Board of Regents that program funds are being matched on a one-to-one basis with equivalent resources. Overhead support may not be used to meet this requirement. Where Urban University Program funds are being used to support an ongoing university unit, matching funds shall come from continuing rather than one-time sources. At each participating state-assisted institution of higher education, matching funds shall be within the substantial control of the individual designated by the institution's president as the Urban University Program representative.

Of the foregoing appropriation item 235-583, Urban University Program, \$117,215 in each fiscal year shall be used to support the Center for the Interdisciplinary Study of Education and the Urban Child at Cleveland State University. These funds shall be distributed according to rules adopted by the Board of Regents and

shall be used by the center for interdisciplinary activities 68650
targeted toward increasing the chance of lifetime success of the 68651
urban child, including interventions beginning with the prenatal 68652
period. The primary purpose of the center is to study issues in 68653
urban education and to systematically map directions for new 68654
approaches and new solutions by bringing together a cadre of 68655
researchers, scholars, and professionals representing the social, 68656
behavioral, education, and health disciplines. 68657

Of the foregoing appropriation item 235-583, Urban University 68658
Program, \$1,433,037 in each fiscal year shall be distributed by 68659
the Board of Regents to Cleveland State University in support of 68660
the Maxine Goodman Levin College of Urban Affairs. 68661

Of the foregoing appropriation item 235-583, Urban University 68662
Program, \$1,433,037 in each fiscal year shall be distributed to 68663
the Northeast Ohio Research Consortium, the Urban Linkages 68664
Program, and the Urban Research Technical Assistance Grant 68665
Program. The distribution among the three programs shall be 68666
determined by the chair of the Urban University Program. 68667

Of the foregoing appropriation item 235-583, Urban University 68668
Program, \$247,453 in each fiscal year shall be used to support a 68669
public communication outreach program (WCPN). The primary purpose 68670
of the program shall be to develop a relationship between 68671
Cleveland State University and nonprofit communications entities. 68672

Of the foregoing appropriation item 235-583, Urban University 68673
Program, \$169,310 in each fiscal year shall be used to support the 68674
Kent State University Learning and Technology Project. This 68675
project is a kindergarten through university collaboration between 68676
schools surrounding Kent State University's eight campuses in 68677
northeast Ohio and corporate partners who will assist in 68678
development and delivery. 68679

The Kent State University Project shall provide a faculty 68680

member who has a full-time role in the development of 68681
collaborative activities and teacher instructional programming 68682
between Kent State University and the K-12th grade schools that 68683
surround its eight campuses; appropriate student support staff to 68684
facilitate these programs and joint activities; and hardware and 68685
software to schools that will make possible the delivery of 68686
instruction to pre-service and in-service teachers, and their 68687
students, in their own classrooms or school buildings. This shall 68688
involve the delivery of low-bandwidth streaming video and 68689
web-based technologies in a distributed instructional model. 68690

Of the foregoing appropriation item 235-583, Urban University 68691
Program, \$65,119 in each fiscal year shall be used to support the 68692
Ameritech Classroom/Center for Research at Kent State University. 68693

Of the foregoing appropriation item 235-583, Urban University 68694
Program, \$723,547 in each fiscal year shall be used to support the 68695
Polymer Distance Learning Project at the University of Akron. 68696

Of the foregoing appropriation item 235-583, Urban University 68697
Program, \$32,560 in each fiscal year shall be distributed to the 68698
Kent State University/Cleveland Design Center program. 68699

Of the foregoing appropriation item 235-583, Urban University 68700
Program, \$513,886 in each fiscal year shall be used to support the 68701
Bliss Institute of Applied Politics at the University of Akron. 68702

Of the foregoing appropriation item 235-583, Urban University 68703
Program, \$10,851 in each fiscal year shall be used for the 68704
Advancing-Up Program at the University of Akron. 68705

Of the foregoing appropriation item 235-583, Urban University 68706
Program, \$139,777 in each fiscal year shall be used to support the 68707
Strategic Economic Research Collaborative at the University of 68708
Toledo Urban Affairs Center. 68709

Of the foregoing appropriation item 235-583, Urban University 68710
Program, \$164,777 in each fiscal year shall be used to support the 68711

Institute for Collaborative Research and Public Humanities at The Ohio State University. 68712
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Of the foregoing appropriation item 235-583, Urban University Program, \$300,368 in each fiscal year shall be used to support the Medina County University Center. 68714
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Of the foregoing appropriation item 235-583, Urban University Program, \$150,000 in each fiscal year shall be used to support the Ohio State University African American and African Studies Community Extension Center. 68717
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Of the foregoing appropriation item 235-583, Urban University Program, \$200,000 in each fiscal year shall be used to support the Cleveland Institute of Art. 68721
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Section 375.70.30. RURAL UNIVERSITY PROJECTS 68724

Of the foregoing appropriation item 235-587, Rural University Projects, Bowling Green State University shall receive \$263,783 in each fiscal year, Miami University shall receive \$245,320 in each fiscal year, and Ohio University shall receive \$575,015 in each fiscal year. These funds shall be used to support the Institute for Local Government Administration and Rural Development at Ohio University, the Center for Public Management and Regional Affairs at Miami University, and the Center for Regional Development at Bowling Green State University. 68725
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A small portion of the funds provided to Ohio University shall also be used for the Institute for Local Government Administration and Rural Development State and Rural Policy Partnership with the Governor's Office of Appalachia and the Appalachian delegation of the General Assembly. 68734
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Of the foregoing appropriation item 235-587, Rural University Projects, \$15,942 in each fiscal year shall be used to support the Washington State Community College day care center. 68739
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Of the foregoing appropriation item 235-587, Rural University
Projects, \$59,829 in each fiscal year shall be used to support the
COAD/ILGARD/GOA Appalachian Leadership Initiative.

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Section 375.70.40. HAZARDOUS MATERIALS PROGRAM

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The foregoing appropriation item 235-596, Hazardous Materials
Program, shall be disbursed to Cleveland State University for the
operation of a program to certify firefighters for the handling of
hazardous materials. Training shall be available to all Ohio
firefighters.

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Of the foregoing appropriation item 235-596, Hazardous
Materials Program, \$177,337 in each fiscal year shall be used to
support the Center for the Interdisciplinary Study of Education
and Leadership in Public Service at Cleveland State University.
These funds shall be distributed by the Board of Regents and shall
be used by the center targeted toward increasing the role of
special populations in public service and not-for-profit
organizations. The primary purpose of the center is to study
issues in public service and to guide strategies for attracting
new communities into public service occupations by bringing
together a cadre of researchers, scholars, and professionals
representing the public administration, social behavioral, and
education disciplines.

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Section 375.70.50. NATIONAL GUARD SCHOLARSHIP PROGRAM

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The Board of Regents shall disburse funds from appropriation
item 235-599, National Guard Scholarship Program, at the direction
of the Adjutant General. During each fiscal year, the Board of
Regents, within ten days of cancellation, may certify to the
Director of Budget and Management the amount of canceled
prior-year encumbrances in appropriation item 235-599, National
Guard Scholarship Program. Upon receipt of the certification, the

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Director of Budget and Management may transfer an amount up to the 68772
certified amount from the General Revenue Fund to the National 68773
Guard Scholarship Reserve Fund (Fund 5BM). Upon the request of the 68774
Adjutant General, the Board of Regents shall seek Controlling 68775
Board approval to establish appropriations in item 235-623, 68776
National Guard Scholarship Reserve Fund. The Board of Regents 68777
shall disburse funds from appropriation item 235-623, National 68778
Guard Scholarship Reserve Fund, at the direction of the Adjutant 68779
General. 68780

***Section 375.70.60. PLEDGE OF FEES** 68781

Any new pledge of fees, or new agreement for adjustment of 68782
fees, made in the biennium ending June 30, 2009, to secure bonds 68783
or notes of a state-assisted institution of higher education for a 68784
project for which bonds or notes were not outstanding on the 68785
effective date of this section shall be effective only after 68786
approval by the Board of Regents, unless approved in a previous 68787
biennium. 68788

**Section 375.70.70. HIGHER EDUCATION GENERAL OBLIGATION DEBT 68789
SERVICE** 68790

The foregoing appropriation item 235-909, Higher Education 68791
General Obligation Debt Service, shall be used to pay all debt 68792
service and related financing costs at the times they are required 68793
to be made for obligations issued during the period from July 1, 68794
2007, to June 30, 2009, under sections 151.01 and 151.04 of the 68795
Revised Code. 68796

Section 375.70.80. SALES AND SERVICES 68797

The Board of Regents is authorized to charge and accept 68798
payment for the provision of goods and services. Such charges 68799
shall be reasonably related to the cost of producing the goods and 68800

services. No charges may be levied for goods or services that are 68801
produced as part of the routine responsibilities or duties of the 68802
Board. All revenues received by the Board of Regents shall be 68803
deposited into Fund 456, and may be used by the Board of Regents 68804
to pay for the costs of producing the goods and services. 68805

Section 375.70.90. OHIO HIGHER EDUCATIONAL FACILITY 68806
COMMISSION SUPPORT 68807

The foregoing appropriation item 235-602, Higher Educational 68808
Facility Commission Administration, shall be used by the Board of 68809
Regents for operating expenses related to the Board of Regents' 68810
support of the activities of the Ohio Higher Educational Facility 68811
Commission. Upon the request of the chancellor, the Director of 68812
Budget and Management shall transfer up to \$50,000 cash in fiscal 68813
year 2008 and up to \$45,000 cash in fiscal year 2009 from Fund 461 68814
to Fund 4E8. 68815

Section 375.80.10. PHYSICIAN LOAN REPAYMENT 68816

The foregoing appropriation item 235-604, Physician Loan 68817
Repayment, shall be used in accordance with sections 3702.71 to 68818
3702.81 of the Revised Code. 68819

Section 375.80.20. NURSING LOAN PROGRAM 68820

The foregoing appropriation item 235-606, Nursing Loan 68821
Program, shall be used to administer the nurse education 68822
assistance program. Up to \$159,600 in fiscal year 2008 and 68823
\$167,580 in fiscal year 2009 may be used for operating expenses 68824
associated with the program. Any additional funds needed for the 68825
administration of the program are subject to Controlling Board 68826
approval. 68827

Section 375.80.30. REPAYMENT OF RESEARCH FACILITY INVESTMENT 68828

FUND MONEYS 68829

Notwithstanding any provision of law to the contrary, all 68830
repayments of Research Facility Investment Fund loans shall be 68831
made to the Bond Service Trust Fund. All Research Facility 68832
Investment Fund loan repayments made prior to the effective date 68833
of this section shall be transferred by the Director of Budget and 68834
Management to the Bond Service Trust Fund within sixty days after 68835
the effective date of this section. 68836

Campuses shall make timely repayments of Research Facility 68837
Investment Fund loans, according to the schedule established by 68838
the Board of Regents. In the case of late payments, the Board of 68839
Regents may deduct from an institution's periodic subsidy 68840
distribution an amount equal to the amount of the overdue payment 68841
for that institution, transfer such amount to the Bond Service 68842
Trust Fund, and credit the appropriate institution for the 68843
repayment. 68844

Section 375.80.40. VETERANS' PREFERENCES 68845

The Board of Regents shall work with the Governor's Office of 68846
Veterans' Affairs to develop specific veterans' preference 68847
guidelines for higher education institutions. These guidelines 68848
shall ensure that the institutions' hiring practices are in 68849
accordance with the intent of Ohio's veterans' preference laws. 68850

Section 375.80.50. STATE NEED-BASED FINANCIAL AID 68851

RECONCILIATION 68852

By the first day of August in each fiscal year, or as soon 68853
thereafter as possible, the Ohio Board of Regents shall certify to 68854
the Director of Budget and Management the amount necessary to pay 68855
any outstanding prior year obligations to higher education 68856
institutions for the state's need-based financial aid programs. 68857
The amounts certified are hereby appropriated to appropriation 68858

item 235-618, State Need-based Financial Aid Reconciliation, from 68859
revenues received in the State Need-based Financial Aid 68860
Reconciliation Fund (Fund 5Y5). 68861

Section 375.80.60. TRANSFERS TO STATE NEED-BASED FINANCIAL 68862
AID PROGRAMS 68863

In each fiscal year of the biennium, if the Chancellor of the 68864
Board of Regents determines that additional funds are needed to 68865
support the distribution of state need-based financial aid in 68866
accordance with sections 3333.12 and 3333.122 of the Revised Code, 68867
the Chancellor shall recommend the reallocation of unencumbered 68868
and unobligated appropriation balances of General Revenue Fund 68869
appropriation items in the Board of Regents to GRF appropriation 68870
items 235-503, Ohio Instructional Grants, and 235-563, Ohio 68871
College Opportunity Grant. If the Director of Budget and 68872
Management determines that such a reallocation is required, the 68873
Director may transfer those identified unencumbered and 68874
unobligated funds in the Board of Regents as necessary to GRF 68875
appropriation items 235-503, Ohio Instructional Grants, and 68876
235-563, Ohio College Opportunity Grant. The amounts transferred 68877
to appropriation items 235-503, Ohio Instructional Grants, and 68878
235-563, Ohio College Opportunity Grant, are hereby appropriated. 68879
If those unencumbered and unobligated funds are not sufficient to 68880
support the distribution of state need-based financial aid in 68881
accordance with sections 3333.12 and 3333.122 of the Revised Code 68882
in each fiscal year, the Director of Budget and Management may 68883
increase the appropriation from the General Revenue Fund of 68884
appropriation items 235-503, Ohio Instructional Grants, and 68885
235-563, Ohio College Opportunity Grant, in each fiscal year. The 68886
combined increase to appropriation items 235-503, Ohio 68887
Instructional Grants, and 235-563, Ohio College Opportunity Grant, 68888
authorized under this section shall not exceed \$5,000,000 in total 68889
for the purpose of need-based financial aid in each fiscal year of 68890

the biennium. 68891

Section 375.80.70. TWO PLUS TWO PROGRAMS AT CO-LOCATED 68892
 CAMPUSES 68893

The General Assembly encourages co-located technical colleges 68894
 and university branches to cooperate in developing programs that 68895
 provide for a seamless articulation from a two-year associate 68896
 degree from a technical college to a baccalaureate degree from the 68897
 university branch with an additional two years of study. 68898

Section 377.10. DRC DEPARTMENT OF REHABILITATION AND 68899
 CORRECTION 68900

General Revenue Fund 68901

GRF 501-321 Institutional \$ 892,162,864 \$ 928,980,197 68902
 Operations

GRF 501-403 Prisoner Compensation \$ 8,599,255 \$ 8,599,255 68903

GRF 501-405 Halfway House \$ 41,214,205 \$ 41,214,205 68904

GRF 501-406 Lease Rental Payments \$ 107,607,100 \$ 109,224,900 68905

GRF 501-407 Community \$ 16,514,626 \$ 16,547,367 68906
 Nonresidential

GRF 501-408 Community Misdemeanor \$ 9,313,076 \$ 9,313,076 68907
 Programs

GRF 501-501 Community Residential \$ 57,104,132 \$ 57,104,132 68908
 Programs - CBCF

GRF 502-321 Mental Health Services \$ 70,112,063 \$ 73,405,363 68909

GRF 503-321 Parole and Community \$ 79,296,672 \$ 82,739,767 68910
 Operations

GRF 504-321 Administrative \$ 27,599,198 \$ 28,703,273 68911
 Operations

GRF 505-321 Institution Medical \$ 199,073,620 \$ 198,337,805 68912
 Services

GRF 506-321	Institution Education Services	\$ 23,784,868	\$ 24,847,502	68913
GRF 507-321	Institution Recovery Services	\$ 7,319,028	\$ 7,664,520	68914
TOTAL GRF	General Revenue Fund	\$ 1,539,700,707	\$ 1,586,681,362	68915
	General Services Fund Group			68916
148 501-602	Services and Agricultural	\$ 104,485,807	\$ 108,290,058	68917
200 501-607	Ohio Penal Industries	\$ 39,395,391	\$ 40,845,414	68918
4B0 501-601	Sewer Treatment Services	\$ 2,331,003	\$ 2,407,018	68919
4D4 501-603	Prisoner Programs	\$ 20,967,703	\$ 20,967,703	68920
4L4 501-604	Transitional Control	\$ 2,051,451	\$ 2,051,451	68921
4S5 501-608	Education Services	\$ 4,564,072	\$ 4,564,072	68922
483 501-605	Property Receipts	\$ 393,491	\$ 393,491	68923
5AF 501-609	State and Non-Federal Awards	\$ 262,718	\$ 262,718	68924
5H8 501-617	Offender Financial Responsibility	\$ 2,500,000	\$ 2,500,000	68925
5L6 501-611	Information Technology Services	\$ 3,741,980	\$ 3,741,980	68926
571 501-606	Training Academy Receipts	\$ 75,190	\$ 75,190	68927
593 501-618	Laboratory Services	\$ 5,799,999	\$ 5,799,999	68928
TOTAL GSF	General Services Fund Group	\$ 186,568,805	\$ 191,899,094	68929
	Federal Special Revenue Fund Group			68930
3S1 501-615	Truth-In-Sentencing Grants	\$ 8,709,142	\$ 8,709,142	68931
323 501-619	Federal Grants	\$ 12,198,353	\$ 12,198,353	68932
3CJ 501-621	Medicaid Inpatient Services	\$ 11,600,000	\$ 15,500,000	68933

TOTAL FED Federal Special Revenue			68934
Fund Group	\$ 32,507,495	\$ 36,407,495	68935
TOTAL ALL BUDGET FUND GROUPS	\$ 1,758,777,007	\$ 1,814,987,951	68936
OHIO BUILDING AUTHORITY LEASE PAYMENTS			68937
The foregoing appropriation item 501-406, Lease Rental			68938
Payments, shall be used to meet all payments during the period			68939
from July 1, 2007, to June 30, 2009, under the primary leases and			68940
agreements for those buildings made under Chapter 152. of the			68941
Revised Code. These appropriations are the source of funds pledged			68942
for bond service charges or obligations issued pursuant to Chapter			68943
152. of the Revised Code.			68944
PRISONER COMPENSATION			68945
Money from the foregoing appropriation item 501-403, Prisoner			68946
Compensation, shall be transferred on a quarterly basis by			68947
intrastate transfer voucher to the Services and Agricultural Fund			68948
(Fund 148) for the purposes of paying prisoner compensation.			68949
HIV/AIDS TESTING REENTRY PILOT PROGRAM			68950
Of the foregoing appropriation item 505-321, Institution			68951
Medical Services, up to \$250,000 in each fiscal year shall be used			68952
for the HIV/AIDS testing re-entry pilot program at the Mansfield			68953
Correctional Institution. Prior to a prisoner's release from			68954
custody at the Mansfield Correctional Institution under the			68955
control of the Department of Rehabilitation and Correction, the			68956
department shall examine and test a prisoner for HIV infection and			68957
any sexually transmitted disease. The department may examine and			68958
test involuntarily a prisoner who refuses to be tested.			68959
Section 377.20. LIMA CORRECTIONAL INSTITUTION STUDY COMMITTEE			68960
(A) There is hereby created the Lima Correctional Institution			68961
Study Committee, effective July 1, 2007. The Committee shall			68962
consist of the following nine members:			68963

(1) The Director of Rehabilitation and Correction or the Director's designee;	68964 68965
(2) The eight members of the Correctional Institution Inspection Committee.	68966 68967
(B) The Director of Rehabilitation and Correction shall be the chairperson of the Lima Correctional Institution Study Committee.	68968 68969 68970
(C) The Lima Correctional Institution Study Committee shall procure an independent feasibility study, performed by a consultant, through the Department of Rehabilitation and Correction. The study shall examine the highest and best use for the Lima Correctional Institution and shall examine, at a minimum, all of the following:	68971 68972 68973 68974 68975 68976
(1) State and local correctional needs and the utilization of state and local facilities to service those needs;	68977 68978
(2) The current condition and value of the Lima Correctional Institution;	68979 68980
(3) The cost to reopen the Lima Correctional Institution in part or in whole for a correctional purpose;	68981 68982
(4) Alternative uses for the Lima Correctional Institution;	68983
(5) The funding options to utilize the Lima Correctional Institution;	68984 68985
(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.	68986 68987 68988
(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.	68989 68990 68991 68992
(E) Of the foregoing appropriation item 501-321,	68993

Institutional Operations, \$50,000 in fiscal year 2008 shall be 68994
 used to fund the feasibility study. 68995

(F) The Lima Correctional Institution Study Committee shall 68996
 submit a report of the Committee's findings not later than April 68997
 1, 2008, to the Governor, the President of the Senate, and the 68998
 Speaker of the House of Representatives. The Committee shall cease 68999
 to exist after submitting the report. 69000

Section 379.10. RSC REHABILITATION SERVICES COMMISSION 69001

General Revenue Fund 69002

GRF 415-100 Personal Services \$ 8,851,468 \$ 8,851,468 69003

GRF 415-402 Independent Living \$ 450,000 \$ 450,000 69004

Council

GRF 415-406 Assistive Technology \$ 47,531 \$ 47,531 69005

GRF 415-431 Office for People with \$ 226,012 \$ 226,012 69006

Brain Injury

GRF 415-506 Services for People \$ 16,959,541 \$ 17,259,541 69007

with Disabilities

GRF 415-508 Services for the Deaf \$ 50,000 \$ 50,000 69008

TOTAL GRF General Revenue Fund \$ 26,584,552 \$ 26,884,552 69009

General Services Fund Group 69010

4W5 415-606 Program Management \$ 18,123,188 \$ 18,557,040 69011

Expenses

467 415-609 Business Enterprise \$ 1,632,082 \$ 1,632,082 69012

Operating Expenses

TOTAL GSF General Services 69013

Fund Group \$ 19,755,270 \$ 20,189,122 69014

Federal Special Revenue Fund Group 69015

3L1 415-601 Social Security \$ 3,743,740 \$ 3,743,740 69016

Personal Care

Assistance

106 Stat. 4344, 29 U.S.C. 796d.	69038
OFFICE FOR PEOPLE WITH BRAIN INJURY	69039
Of the foregoing appropriation item 415-431, Office for	69040
People with Brain Injury, up to \$50,000 in each fiscal year shall	69041
be used for the state match for a federal grant awarded through	69042
the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to	69043
\$50,000 in each fiscal year shall be provided to the Brain Injury	69044
Trust Fund. The remaining appropriation shall be used to plan and	69045
coordinate head-injury-related services provided by state agencies	69046
and other government or private entities, to assess the needs for	69047
such services, and to set priorities in this area.	69048
VOCATIONAL REHABILITATION SERVICES	69049
The foregoing appropriation item 415-506, Services for People	69050
with Disabilities, shall be used as state matching funds to	69051
provide vocational rehabilitation services to eligible consumers.	69052
PROGRAM MANAGEMENT EXPENSES	69053
The foregoing appropriation item 415-606, Program Management	69054
Expenses, shall be used to support the administrative functions of	69055
the commission related to the provision of vocational	69056
rehabilitation, disability determination services, and ancillary	69057
programs.	69058
INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS	69059
The foregoing appropriation item 415-617, Independent	69060
Living/Vocational Rehabilitation Programs, shall be used to	69061
support vocational rehabilitation programs.	69062
SOCIAL SECURITY REIMBURSEMENT FUNDS	69063
Reimbursement funds received from the Social Security	69064
Administration, United States Department of Health and Human	69065
Services, for the costs of providing services and training to	69066
return disability recipients to gainful employment shall be used	69067

in the Social Security Reimbursement Fund (Fund 3L1), to the 69068
extent funds are available, as follows: 69069

(A) Appropriation item 415-601, Social Security Personal Care 69070
Assistance, to provide personal care services in accordance with 69071
section 3304.41 of the Revised Code; 69072

(B) Appropriation item 415-608, Social Security Vocational 69073
Rehabilitation, to provide vocational rehabilitation services to 69074
individuals with severe disabilities who are Social Security 69075
beneficiaries, to enable them to achieve competitive employment. 69076
This appropriation item also includes funds to assist the Personal 69077
Care Assistance Program to pay its share of indirect costs as 69078
mandated by federal OMB Circular A-87. 69079

PERFORMANCE AUDIT 69080

The Auditor of State shall complete a performance audit of 69081
the Rehabilitation Services Commission. Upon completing the 69082
performance audit, the Auditor of State shall submit a report of 69083
the findings of the audit to the Governor, the President of the 69084
Senate, the Speaker of the House of Representatives, and the Board 69085
of Rehabilitation Services Commission. Expenses incurred by the 69086
Auditor of State to conduct the performance audit shall be 69087
reimbursed by the Rehabilitation Services Commission. 69088

Section 381.10. RCB RESPIRATORY CARE BOARD 69089

General Services Fund Group				69090	
4K9 872-609 Operating Expenses	\$	491,628	\$	481,768	69091
TOTAL GSF General Services				69092	
Fund Group	\$	491,628	\$	481,768	69093
TOTAL ALL BUDGET FUND GROUPS	\$	491,628	\$	481,768	69094

Section 383.10. RDF REVENUE DISTRIBUTION FUNDS 69096

Volunteer Firefighters' Dependents Fund 69097

085	800-900	Volunteer	\$	300,000	\$	300,000	69098
		Firefighters'					
		Dependents Fund					
TOTAL 085 Volunteer Firefighters'							69099
		Dependents Fund	\$	300,000	\$	300,000	69100
		Agency Fund Group					69101
062	110-962	Resort Area Excise Tax	\$	1,000,000	\$	1,000,000	69102
063	110-963	Permissive Tax	\$	1,778,662,000	\$	1,849,000,000	69103
		Distribution					
067	110-967	School District Income	\$	325,000,000	\$	350,000,000	69104
		Tax					
4P8	001-698	Cash Management	\$	3,050,000	\$	3,100,000	69105
		Improvement Fund					
608	001-699	Investment Earnings	\$	250,000,000	\$	250,000,000	69106
TOTAL AGY Agency Fund Group							69107
		Holding Account Redistribution					69108
R45	110-617	International Fuel Tax	\$	50,000,000	\$	50,000,000	69109
		Distribution					
TOTAL 090 Holding Account							69110
		Redistribution Fund					
Revenue Distribution Fund Group							69111
049	038-900	Indigent Drivers	\$	1,797,000	\$	1,832,000	69112
		Alcohol Treatment					
050	762-900	International	\$	54,475,631	\$	55,565,143	69113
		Registration Plan					
		Distribution					
051	762-901	Auto Registration	\$	500,000,000	\$	539,000,000	69114
		Distribution					
054	110-954	Local Government	\$	93,250,000	\$	95,125,000	69115
		Property Tax					
		Replacement - Utility					
060	110-960	Gasoline Excise Tax	\$	375,000,000	\$	375,000,000	69116
		Fund					

064	110-964	Local Government	\$	42,400,000	\$	0	69117
		Revenue Assistance					
065	110-965	Library/Local	\$	460,000,000	\$	464,500,000	69118
		Government Support					
		Fund					
066	800-900	Undivided Liquor	\$	13,500,000	\$	13,500,000	69119
		Permits					
068	110-968	State and Local	\$	240,250,000	\$	242,500,000	69120
		Government Highway					
		Distribution					
069	110-969	Local Government Fund	\$	730,700,000	\$	785,000,000	69121
081	110-981	Local Government	\$	262,500,000	\$	366,800,000	69122
		Property Tax					
		Replacement-Business					
082	110-982	Horse Racing Tax	\$	125,000	\$	130,000	69123
083	700-900	Ohio Fairs Fund	\$	2,277,000	\$	2,325,000	69124
TOTAL RDF Revenue Distribution							69125
Fund Group			\$	2,776,274,631	\$	2,941,277,143	69126
TOTAL ALL BUDGET FUND GROUPS			\$	5,184,286,631	\$	5,444,677,143	69127

ADDITIONAL APPROPRIATIONS

Appropriation items in this section shall be used for the purpose of administering and distributing the designated revenue distribution funds according to the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are appropriated.

GENERAL REVENUE FUND TRANSFERS TO LOCAL GOVERNMENT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 081)

Notwithstanding any provision of law to the contrary, in fiscal year 2008 and fiscal year 2009, the Director of Budget and Management may transfer from the General Revenue Fund to the Local Government Property Tax Replacement - Business (Fund 081) in the Revenue Distribution Fund, those amounts necessary to reimburse

local taxing units under section 5751.22 of the Revised Code. 69141
 Also, in fiscal year 2008 and fiscal year 2009, the Director of 69142
 Budget and Management may make temporary transfers from the 69143
 General Revenue Fund to ensure sufficient balances in the Local 69144
 Government Property Tax Replacement - Business Fund (Fund 081) and 69145
 to replenish the General Revenue Fund for such transfers. 69146

Section 385.10. SAN BOARD OF SANITARIAN REGISTRATION 69147

General Services Fund Group 69148
 4K9 893-609 Operating Expenses \$ 138,551 \$ 138,551 69149
 TOTAL GSF General Services 69150
 Fund Group \$ 138,551 \$ 138,551 69151
 TOTAL ALL BUDGET FUND GROUPS \$ 138,551 \$ 138,551 69152

Section 387.10. OSB OHIO STATE SCHOOL FOR THE BLIND 69154

General Revenue Fund 69155
 GRF 226-100 Personal Services \$ 7,093,127 \$ 7,519,318 69156
 GRF 226-200 Maintenance \$ 704,154 \$ 704,154 69157
 GRF 226-300 Equipment \$ 113,288 \$ 113,288 69158
 TOTAL GRF General Revenue Fund \$ 7,910,569 \$ 8,336,760 69159
 General Services Fund Group 69160
 4H8 226-602 School Improvement \$ 37,514 \$ 37,514 69161
 Grants
 TOTAL GSF General Services 69162
 Fund Group \$ 37,514 \$ 37,514 69163
 Federal Special Revenue Fund Group 69164
 3P5 226-643 Medicaid Services \$ 50,000 \$ 50,000 69165
 Reimbursement
 310 226-626 Multi-Handicapped \$ 2,527,105 \$ 2,527,105 69166
 Student Support
 TOTAL FED Federal Special 69167
 Revenue Fund Group \$ 2,577,105 \$ 2,577,105 69168

State Special Revenue Fund Group				69169
4M5 226-601 Work Study and	\$	217,397	\$ 217,397	69170
Donations				
TOTAL SSR State Special Revenue				69171
Fund Group	\$	217,397	\$ 217,397	69172
TOTAL ALL BUDGET FUND GROUPS	\$	10,742,585	\$ 11,168,776	69173
Section 389.10. OSD OHIO SCHOOL FOR THE DEAF				69175
General Revenue Fund				69176
GRF 221-100 Personal Services	\$	8,775,363	\$ 9,263,862	69177
GRF 221-200 Maintenance	\$	1,033,092	\$ 1,033,092	69178
GRF 221-300 Equipment	\$	222,500	\$ 222,500	69179
TOTAL GRF General Revenue Fund	\$	10,030,955	\$ 10,519,454	69180
General Services Fund Group				69181
4M1 221-602 School Improvement	\$	38,000	\$ 38,000	69182
Grants				
TOTAL GSF General Services				69183
Fund Group	\$	38,000	\$ 38,000	69184
Federal Special Revenue Fund Group				69185
3AD 221-604 VREAL Ohio	\$	25,000	\$ 25,000	69186
3R0 221-684 Medicaid Services	\$	34,999	\$ 34,999	69187
Reimbursement				69188
3Y1 221-686 Federal Early	\$	250,000	\$ 250,000	69189
Childhood Grant				
311 221-625 Statewide Outreach	\$	2,470,135	\$ 2,470,135	69190
TOTAL FED Federal Special				69191
Revenue Fund Group	\$	2,780,134	\$ 2,780,134	69192
State Special Revenue Fund Group				69193
4M0 221-601 Work Study and	\$	95,000	\$ 95,000	69194
Donations				
5H6 221-609 Preschool Program	\$	127,832	\$ 125,358	69195

Support

TOTAL SSR State Special Revenue				69196
Fund Group	\$	222,832	\$ 220,358	69197
TOTAL ALL BUDGET FUND GROUPS	\$	13,071,921	\$ 13,557,946	69198

Section 391.10. SFC SCHOOL FACILITIES COMMISSION 69200

General Revenue Fund				69201
GRF 230-428 Lease Rental Payments	\$	22,702,000	\$ 0	69202
GRF 230-908 Common Schools General	\$	284,768,400	\$ 339,648,300	69203

Obligation Debt

Service

TOTAL GRF General Revenue Fund	\$	307,470,400	\$ 339,648,300	69204
State Special Revenue Fund Group				69205
5E3 230-644 Operating Expenses	\$	7,749,813	\$ 7,786,197	69206
TOTAL SSR State Special Revenue				69207
Fund Group	\$	7,749,813	\$ 7,786,197	69208
TOTAL ALL BUDGET FUND GROUPS	\$	315,220,213	\$ 347,434,497	69209

Section 391.20. LEASE RENTAL PAYMENTS 69211

The foregoing appropriation item 230-428, Lease Rental 69212
 Payments, shall be used to meet all payments at the times they are 69213
 required to be made during the period from July 1, 2007, to June 69214
 30, 2009, by the Ohio School Facilities Commission under leases 69215
 and agreements made under section 3318.26 of the Revised Code. 69216

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 69217

The foregoing appropriation item 230-908, Common Schools 69218
 General Obligation Debt Service, shall be used to pay all debt 69219
 service and related financing costs at the times they are required 69220
 to be made for obligations issued during the period from July 1, 69221
 2007, through June 30, 2009, under sections 151.01 and 151.03 of 69222
 the Revised Code. 69223

OPERATING EXPENSES 69224

The foregoing appropriation item 230-644, Operating Expenses, 69225
shall be used by the Ohio School Facilities Commission to carry 69226
out its responsibilities under this section and Chapter 3318. of 69227
the Revised Code. 69228

In both fiscal years 2008 and 2009, the Executive Director of 69229
the Ohio School Facilities Commission shall certify on a quarterly 69230
basis to the Director of Budget and Management the amount of cash 69231
from interest earnings to be transferred from the School Building 69232
Assistance Fund (Fund 032), the Public School Building Fund (Fund 69233
021), and the Educational Facilities Trust Fund (Fund N87) to the 69234
Ohio School Facilities Commission Fund (Fund 5E3). The amount 69235
transferred from the School Building Assistance Fund (Fund 032) 69236
may not exceed investment earnings credited to the fund, less any 69237
amount required to be paid for federal arbitrage rebate purposes. 69238

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 69239

At the request of the Executive Director of the Ohio School 69240
Facilities Commission, the Director of Budget and Management may 69241
cancel encumbrances for school district projects from a previous 69242
biennium if the district has not raised its local share of project 69243
costs within one year of receiving Controlling Board approval 69244
under section 3318.05 of the Revised Code. The Executive Director 69245
of the Ohio School Facilities Commission shall certify the amounts 69246
of the canceled encumbrances to the Director of Budget and 69247
Management on a quarterly basis. The amounts of the canceled 69248
encumbrances are hereby appropriated. 69249

**Section 391.30. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 69250
FACILITIES 69251**

Notwithstanding any other provision of law to the contrary, 69252
the Ohio School Facilities Commission may provide assistance under 69253
the Exceptional Needs School Facilities Program established in 69254
section 3318.37 of the Revised Code to any school district, and 69255

not exclusively to a school district in the lowest seventy-five 69256
per cent of adjusted valuation per pupil on the current ranking of 69257
school districts established under section 3317.02 of the Revised 69258
Code, for the purpose of the relocation or replacement of school 69259
facilities required as a result of extreme environmental 69260
contamination. 69261

The Ohio School Facilities Commission shall contract with an 69262
independent environmental consultant to conduct a study and to 69263
report to the commission as to the seriousness of the 69264
environmental contamination, whether the contamination violates 69265
applicable state and federal standards, and whether the facilities 69266
are no longer suitable for use as school facilities. The 69267
commission then shall make a determination regarding funding for 69268
the relocation or replacement of the school facilities. If the 69269
federal government or other public or private entity provides 69270
funds for restitution of costs incurred by the state or school 69271
district in the relocation or replacement of the school 69272
facilities, the school district shall use such funds in excess of 69273
the school district's share to refund the state for the state's 69274
contribution to the environmental contamination portion of the 69275
project. The school district may apply an amount of such 69276
restitution funds up to an amount equal to the school district's 69277
portion of the project, as defined by the commission, toward 69278
paying its portion of that project to reduce the amount of bonds 69279
the school district otherwise must issue to receive state 69280
assistance under sections 3318.01 to 3318.20 of the Revised Code. 69281

Section 391.40. CANTON CITY SCHOOL DISTRICT PROJECT 69282

(A) The Ohio School Facilities Commission may commit up to 69283
thirty-five million dollars to the Canton City School District for 69284
construction of a facility described in this section, in lieu of a 69285
high school that would otherwise be authorized under Chapter 3318. 69286

of the Revised Code. The Commission shall not commit funds under 69287
this section unless all of the following conditions are met: 69288

(1) The District has entered into a cooperative agreement 69289
with a state-assisted technical college. 69290

(2) The District has received an irrevocable commitment of 69291
additional funding from nonpublic sources. 69292

(3) The facility is intended to serve both secondary and 69293
postsecondary instructional purposes. 69294

(B) The Commission shall enter into an agreement with the 69295
District for the construction of the facility authorized under 69296
this section that is separate from and in addition to the 69297
agreement required for the District's participation in the 69298
Classroom Facilities Assistance Program under section 3318.08 of 69299
the Revised Code. Notwithstanding that section and sections 69300
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 69301
agreement shall provide, but not be limited to, the following: 69302

(1) The Commission shall not have any oversight 69303
responsibilities over the construction of the facility. 69304

(2) The facility need not comply with the specifications for 69305
plans and materials for high schools adopted by the Commission. 69306

(3) The Commission may decrease the basic project cost that 69307
would otherwise be calculated for a high school under Chapter 69308
3318. of the Revised Code. 69309

(4) The state shall not share in any increases in the basic 69310
project cost for the facility above the amount authorized under 69311
this section. 69312

All other provisions of Chapter 3318. of the Revised Code 69313
apply to the approval and construction of a facility authorized 69314
under this section. 69315

The state funds committed to the facility authorized by this 69316

section shall be part of the total amount the state commits to the 69317
Canton City School District under Chapter 3318. of the Revised 69318
Code. All additional state funds committed to the Canton City 69319
School District for classroom facilities assistance shall be 69320
subject to all provisions of Chapter 3318. of the Revised Code. 69321

Section 391.50. CAREER-TECHNICAL LOAN PROGRAM 69322

Within thirty days after the effective date of this section, 69323
or as soon as possible thereafter, the Executive Director of the 69324
Ohio School Facilities Commission shall certify the cash balance 69325
in the Career-Technical School Building Assistance Fund (Fund 020) 69326
to the Director of Budget and Management, who shall transfer that 69327
amount to the Public School Building Fund (Fund 021) and abolish 69328
the Career-Technical School Building Assistance Fund (Fund 020). 69329

All repayments of current loans approved under section 69330
3318.48 of the Revised Code, which is repealed by this act, shall 69331
be deposited to the credit of the Public School Building Fund 69332
(Fund 021). Should a district fail to submit the annual 69333
installment of the loan repayment within sixty days after the due 69334
date, the Department of Education, upon the request of the 69335
Executive Director of the Ohio School Facilities Commission, shall 69336
deduct the amount of the installment from payments due to a 69337
district under Chapter 3317. of the Revised Code or from any other 69338
funds appropriated to the district by the General Assembly, and 69339
shall transfer that amount to the Commission to the credit of the 69340
Public School Building Fund (Fund 021). 69341

Section 393.10. SOS SECRETARY OF STATE 69342

General Revenue Fund 69343

GRF 050-321 Operating Expenses	\$	2,585,000	\$	2,585,000	69344
GRF 050-403 Election Statistics	\$	103,936	\$	103,936	69345
GRF 050-407 Pollworkers Training	\$	277,997	\$	277,997	69346

GRF 050-409	Litigation	\$	4,652	\$	4,652	69347
	Expenditures					
TOTAL GRF	General Revenue Fund	\$	2,971,585	\$	2,971,585	69348
	General Services Fund Group					69349
4S8 050-610	Board of Voting	\$	7,200	\$	7,200	69350
	Machine Examiners					
412 050-609	Notary Commission	\$	685,249	\$	685,249	69351
413 050-601	Information Systems	\$	119,955	\$	119,955	69352
414 050-602	Citizen Education Fund	\$	55,712	\$	55,712	69353
TOTAL General Services	Fund Group	\$	868,116	\$	868,116	69354
	Federal Special Revenue Fund Group					69355
3AH 050-614	Election Reform/Health	\$	1,000,000	\$	1,000,000	69356
	and Human Services					
3AS 050-616	2005 HAVA Voting	\$	3,750,000	\$	3,750,000	69357
	Machines					
3X4 050-612	Ohio Center/Law	\$	41,000	\$	41,000	69358
	Related Educational					
	Grant					
TOTAL FED	Federal Special Revenue					69359
Fund Group		\$	4,791,000	\$	4,791,000	69360
	State Special Revenue Fund Group					69361
5N9 050-607	Technology	\$	129,565	\$	129,565	69362
	Improvements					
599 050-603	Business Services	\$	13,761,734	\$	13,761,734	69363
	Operating Expenses					
TOTAL SSR	State Special Revenue					69364
Fund Group		\$	13,891,299	\$	13,891,299	69365
	Holding Account Redistribution Fund Group					69366
R01 050-605	Uniform Commercial	\$	30,000	\$	30,000	69367
	Code Refunds					
R02 050-606	Corporate/Business	\$	85,000	\$	85,000	69368
	Filing Refunds					

TOTAL 090 Holding Account				69369	
Redistribution Fund Group	\$	115,000	\$	115,000	69370
TOTAL ALL BUDGET FUND GROUPS	\$	22,637,000	\$	22,637,000	69371
BOARD OF VOTING MACHINE EXAMINERS				69372	
The foregoing appropriation item 050-610, Board of Voting				69373	
Machine Examiners, shall be used to pay for the services and				69374	
expenses of the members of the Board of Voting Machine Examiners,				69375	
and for other expenses that are authorized to be paid from the				69376	
Board of Voting Machine Examiners Fund, which is created in				69377	
section 3506.05 of the Revised Code. Moneys not used shall be				69378	
returned to the person or entity submitting the equipment for				69379	
examination. If it is determined that additional appropriations				69380	
are necessary, such amounts are appropriated.				69381	
2005 HAVA VOTING MACHINES				69382	
Of the foregoing appropriation item 050-616, 2005 HAVA Voting				69383	
Machines, in fiscal year 2008 \$15,000 shall be distributed to the				69384	
Vinton County Board of Elections and \$15,000 shall be distributed				69385	
to the Morgan County Board of Elections to be used for emergency				69386	
assistance for elections.				69387	
On July 1, 2008, or as soon as possible thereafter, the				69388	
Director of Budget and Management shall transfer any remaining				69389	
unexpended, unencumbered appropriations in Fund 3AS, appropriation				69390	
item 050-616, 2005 HAVA Voting Machines, for use in fiscal year				69391	
2009. The transferred amount is hereby appropriated.				69392	
On July 1, 2008, or as soon as possible thereafter, the				69393	
Director of Budget and Management shall transfer any remaining				69394	
unexpended, unencumbered appropriations in Fund 3AH, appropriation				69395	
item 050-614, Election Reform/Health and Human Services Fund, for				69396	
use in fiscal year 2009. The transferred amount is hereby				69397	
appropriated.				69398	
Ongoing interest earnings from the federal Election				69399	

Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA 69400
Voting Machines Fund (Fund 3AS) shall be credited to the 69401
respective funds and distributed in accordance with the terms of 69402
the grant under which the money is received. 69403

HOLDING ACCOUNT REDISTRIBUTION GROUP 69404

The foregoing appropriation items 050-605 and 050-606, 69405
Holding Account Redistribution Fund Group, shall be used to hold 69406
revenues until they are directed to the appropriate accounts or 69407
until they are refunded. If it is determined that additional 69408
appropriations are necessary, such amounts are appropriated. 69409

Section 395.10. SEN THE OHIO SENATE 69410

General Revenue Fund 69411

GRF 020-321 Operating Expenses \$ 11,778,439 \$ 11,778,439 69412

TOTAL GRF General Revenue Fund \$ 11,778,439 \$ 11,778,439 69413

General Services Fund Group 69414

102 020-602 Senate Reimbursement \$ 448,465 \$ 448,465 69415

409 020-601 Miscellaneous Sales \$ 34,497 \$ 34,497 69416

TOTAL GSF General Services 69417

Fund Group \$ 482,962 \$ 482,962 69418

TOTAL ALL BUDGET FUND GROUPS \$ 12,261,401 \$ 12,261,401 69419

OPERATING EXPENSES 69420

On July 1, 2007, or as soon as possible thereafter, the Clerk 69421
of the Senate shall certify to the Director of Budget and 69422
Management the total fiscal year 2007 unencumbered appropriations 69423
in appropriation item 020-321, Operating Expenses. The Clerk may 69424
direct the Director of Budget and Management to transfer an amount 69425
not to exceed the total fiscal year 2007 unencumbered 69426
appropriations to fiscal year 2008 for use within appropriation 69427
item 020-321, Operating Expenses. Additional appropriation 69428
authority equal to the amount certified by the Clerk is hereby 69429

appropriated to appropriation item 020-321, Operating Expenses, in 69430
fiscal year 2008. 69431

On July 1, 2008, or as soon as possible thereafter, the Clerk 69432
of the Senate shall certify to the Director of Budget and 69433
Management the total fiscal year 2008 unencumbered appropriations 69434
in appropriation item 020-321, Operating Expenses. The Clerk may 69435
direct the Director of Budget and Management to transfer an amount 69436
not to exceed the total fiscal year 2008 unencumbered 69437
appropriations to fiscal year 2009 for use within appropriation 69438
item 020-321, Operating Expenses. Additional appropriation 69439
authority equal to the amount certified by the Clerk is hereby 69440
appropriated to appropriation item 020-321, Operating Expenses, in 69441
fiscal year 2009. 69442

Section 397.10. CSF COMMISSIONERS OF THE SINKING FUND 69443

Debt Service Fund Group 69444

070 155-905 Third Frontier \$ 14,349,500 \$ 25,023,400 69445

Research & Development

Bond Retirement Fund

072 155-902 Highway Capital \$ 202,694,900 \$ 205,139,500 69446

Improvement Bond

Retirement Fund

073 155-903 Natural Resources Bond \$ 24,713,800 \$ 25,723,000 69447

Retirement Fund

074 155-904 Conservation Projects \$ 14,847,200 \$ 19,779,200 69448

Bond Service Fund

076 155-906 Coal Research and \$ 7,232,400 \$ 8,192,500 69449

Development Bond

Retirement Fund

077 155-907 State Capital \$ 178,713,600 \$ 189,296,300 69450

Improvement Bond

Retirement Fund

078	155-908	Common Schools Bond Retirement Fund	\$	292,268,400	\$	342,148,300	69451
079	155-909	Higher Education Bond Retirement Fund	\$	175,972,400	\$	210,372,200	69452
090	155-912	Job Ready Site Development Bond Retirement Fund	\$	4,359,400	\$	8,232,500	69453
TOTAL DSF Debt Service Fund Group			\$	915,151,600	\$	1,033,906,900	69454
TOTAL ALL BUDGET FUND GROUPS			\$	915,151,600	\$	1,033,906,900	69455

ADDITIONAL APPROPRIATIONS 69456

Appropriation items in this section are for the purpose of 69457
paying debt service and financing costs on bonds or notes of the 69458
state issued under the Ohio Constitution and acts of the General 69459
Assembly. If it is determined that additional appropriations are 69460
necessary for this purpose, such amounts are hereby appropriated. 69461

Section 399.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY 69462
DEVELOPMENT FOUNDATION 69463

General Revenue Fund 69464

GRF 945-321	Operating Expenses	\$	0	\$	475,220	69465
GRF 945-501	Southern Ohio Agricultural and Community Development Foundation	\$	0	\$	7,513,251	69466

TOTAL GRF General Revenue Fund \$ 0 \$ 7,988,471 69467

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 7,988,471 69468

SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT 69469
FOUNDATION 69470

The foregoing appropriation item 945-321, Operating Expenses, 69471
shall be used for the operating expenses of the Southern Ohio 69472
Agricultural and Community Development Foundation in administering 69473

programs under section 183.15 of the Revised Code. 69474

The foregoing appropriation item 945-501, Southern Ohio 69475
 Agricultural and Community Development Foundation, shall be used 69476
 by the Southern Ohio Agricultural and Community Development 69477
 Foundation for programs administered under section 183.15 of the 69478
 Revised Code. 69479

Section 401.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 69480
AUDIOLOGY 69481

General Services Fund Group 69482
 4K9 886-609 Operating Expenses \$ 430,600 \$ 453,000 69483
 TOTAL GSF General Services 69484
 Fund Group \$ 430,600 \$ 453,000 69485
 TOTAL ALL BUDGET FUND GROUPS \$ 430,600 \$ 453,000 69486

Section 403.10. BTA BOARD OF TAX APPEALS 69488

General Revenue Fund 69489
 GRF 116-321 Operating Expenses \$ 2,247,476 \$ 2,281,188 69490
 TOTAL GRF General Revenue Fund \$ 2,247,476 \$ 2,281,188 69491
 TOTAL ALL BUDGET FUND GROUPS \$ 2,247,476 \$ 2,281,188 69492

Section 405.10. TAX DEPARTMENT OF TAXATION 69494

General Revenue Fund 69495
 GRF 110-321 Operating Expenses \$ 92,040,062 \$ 92,440,062 69496
 GRF 110-404 Tobacco Settlement \$ 0 \$ 328,034 69497
 Enforcement
 GRF 110-412 Child Support \$ 71,680 \$ 71,680 69498
 Administration
 GRF 110-901 Property Tax \$ 446,953,165 \$ 478,613,618 69499
 Allocation - Taxation
 GRF 110-906 Tangible Tax Exemption \$ 9,177,962 \$ 4,588,981 69500

- Taxation

TOTAL GRF General Revenue Fund	\$	548,242,869	\$	576,042,375	69501
General Services Fund Group					69502
433 110-602 Tape File Account	\$	125,000	\$	140,000	69503
5BQ 110-629 Commercial Activity	\$	6,000,000	\$	6,000,000	69504
Tax Administration					
5W4 110-625 Centralized Tax Filing and Payment	\$	400,000	\$	200,000	69505
5W7 110-627 Exempt Facility Administration	\$	100,000	\$	150,000	69506
5CZ 110-631 Vendor's License Application	\$	1,000,000	\$	1,000,000	69507
TOTAL GSF General Services Fund Group	\$	7,625,000	\$	7,490,000	69508 69509
State Special Revenue Fund Group					69510
4C6 110-616 International Registration Plan	\$	706,855	\$	706,855	69511
4R6 110-610 Tire Tax Administration	\$	125,000	\$	150,000	69512
435 110-607 Local Tax Administration	\$	17,250,000	\$	17,250,000	69513
436 110-608 Motor Vehicle Audit	\$	1,200,000	\$	1,200,000	69514
437 110-606 Litter Tax and Natural Resource Tax Administration	\$	675,000	\$	800,000	69515
438 110-609 School District Income Tax	\$	3,600,000	\$	3,600,000	69516
5N5 110-605 Municipal Income Tax Administration	\$	500,000	\$	500,000	69517
5N6 110-618 Kilowatt Hour Tax Administration	\$	125,000	\$	175,000	69518
5V7 110-622 Motor Fuel Tax	\$	4,700,000	\$	5,000,000	69519

		Administration				
5V8	110-623	Property Tax	\$	13,500,000	\$	13,500,000 69520
		Administration				
639	110-614	Cigarette Tax	\$	100,000	\$	100,000 69521
		Enforcement				
642	110-613	Ohio Political Party	\$	600,000	\$	600,000 69522
		Distributions				
688	110-615	Local Excise Tax	\$	210,000	\$	180,000 69523
		Administration				
TOTAL SSR State Special Revenue						69524
Fund Group			\$	43,291,855	\$	43,761,855 69525
Agency Fund Group						69526
095	110-995	Municipal Income Tax	\$	21,000,000	\$	21,000,000 69527
425	110-635	Tax Refunds	\$	1,565,900,000	\$	1,546,800,000 69528
TOTAL AGY Agency Fund Group						\$ 1,567,800,000 69529
Holding Account Redistribution Fund Group						69530
R10	110-611	Tax Distributions	\$	50,000	\$	50,000 69531
R11	110-612	Miscellaneous Income	\$	50,000	\$	50,000 69532
		Tax Receipts				
TOTAL 090 Holding Account						69533
Redistribution Fund Group			\$	100,000	\$	100,000 69534
TOTAL ALL BUDGET FUND GROUPS						\$ 2,195,194,230 69535
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX						69536
EXEMPTION						69537
The foregoing appropriation item 110-901, Property Tax						69538
Allocation - Taxation, is hereby appropriated to pay for the						69539
state's costs incurred because of the Homestead Exemption, the						69540
Manufactured Home Property Tax Rollback, and the Property Tax						69541
Rollback. The Tax Commissioner shall distribute these funds						69542
directly to the appropriate local taxing districts, except for						69543
school districts, notwithstanding the provisions in sections						69544
321.24 and 323.156 of the Revised Code, which provide for payment						69545

of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

The foregoing appropriation item 110-906, Tangible Tax Exemption - Taxation, is hereby appropriated to pay for the state's costs incurred because of the tangible personal property tax exemption required by division (C)(3) of section 5709.01 of the Revised Code. The Tax Commissioner shall distribute to each county treasurer the total amount appearing in the notification from the county treasurer under division (G) of section 321.24 of the Revised Code for all local taxing districts located in the county except for school districts, notwithstanding the provision in section 321.24 of the Revised Code which provides for payment of the \$10,000 tangible personal property tax exemption by the Tax Commissioner to the appropriate county treasurer for all local taxing districts located in the county including school districts. The county auditor shall distribute the amount paid by the Tax Commissioner among the appropriate local taxing districts except for school districts under division (G) of section 321.24 of the Revised Code.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation items 110-901, Property Tax Allocation - Taxation, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax

Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 69578
for the \$10,000 tangible personal property tax exemption payments, 69579
which are determined to be necessary for these purposes, are 69580
hereby appropriated. 69581

MUNICIPAL INCOME TAX 69582

The foregoing appropriation item 110-995, Municipal Income 69583
Tax, shall be used to make payments to municipal corporations 69584
under section 5745.05 of the Revised Code. If it is determined 69585
that additional appropriations are necessary to make these 69586
payments, such amounts are hereby appropriated. 69587

TAX REFUNDS 69588

The foregoing appropriation item 110-635, Tax Refunds, shall 69589
be used to pay refunds under section 5703.052 of the Revised Code. 69590
If it is determined that additional appropriations are necessary 69591
for this purpose, such amounts are hereby appropriated. 69592

INTERNATIONAL REGISTRATION PLAN AUDIT 69593

The foregoing appropriation item 110-616, International 69594
Registration Plan, shall be used under section 5703.12 of the 69595
Revised Code for audits of persons with vehicles registered under 69596
the International Registration Plan. 69597

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 69598

Of the foregoing appropriation item 110-607, Local Tax 69599
Administration, the Tax Commissioner may disburse funds, if 69600
available, for the purposes of paying travel expenses incurred by 69601
members of Ohio's delegation to the Streamlined Sales Tax Project, 69602
as appointed under section 5740.02 of the Revised Code. Any travel 69603
expense reimbursement paid for by the Department of Taxation shall 69604
be done in accordance with applicable state laws and guidelines. 69605

LITTER CONTROL TAX ADMINISTRATION FUND 69606

Notwithstanding section 5733.12 of the Revised Code, during 69607

the period from July 1, 2007, to June 30, 2008, the amount of 69608
\$675,000, and during the period from July 1, 2008, to June 30, 69609
2009, the amount of \$800,000, received by the Tax Commissioner 69610
under Chapter 5733. of the Revised Code, shall be credited to the 69611
Litter Control Tax Administration Fund (Fund 437). 69612

CENTRALIZED TAX FILING AND PAYMENT FUND 69613

The Director of Budget and Management, under a plan submitted 69614
by the Tax Commissioner, or as otherwise determined by the 69615
Director of Budget and Management, shall set a schedule to 69616
transfer cash from the General Revenue Fund to the credit of the 69617
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers 69618
of cash shall not exceed \$600,000 in the biennium. 69619

COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND 69620

The foregoing appropriation item 110-629, Commercial Activity 69621
Tax Administration Fund (Fund 5BQ), shall be used to pay expenses 69622
incurred by the Department of Taxation to implement and administer 69623
the Commercial Activity Tax under Chapter 5751. of the Revised 69624
Code. 69625

Notwithstanding section 3734.9010, division (B)(2)(c) of 69626
section 4505.09, division (B) of section 5703.12, section 5703.80, 69627
division (C)(6) of section 5727.81, sections 5733.122 and 69628
5735.053, division (C) of section 5739.21, section 5745.03, 69629
section 5743.024, section 5743.15, division (C) of section 69630
5747.03, and section 5747.113 of the Revised Code or any other 69631
provisions to the contrary, any residual cash balances determined 69632
and certified by the Tax Commissioner to the Director of Budget 69633
and Management shall be transferred on July 1, 2007, or as soon as 69634
possible thereafter, to the Commercial Activities Tax 69635
Administration Fund (Fund 5BQ). 69636

TOBACCO SETTLEMENT ENFORCEMENT 69637

The foregoing appropriation item 110-404, Tobacco Settlement 69638

Enforcement, shall be used by the Tax Commissioner to pay costs 69639
incurred in the enforcement of divisions (F) and (G) of section 69640
5743.03 of the Revised Code. 69641

Section 407.10. DOT DEPARTMENT OF TRANSPORTATION 69642

Transportation Modes 69643

General Revenue Fund 69644

GRF 775-451 Public Transportation \$ 16,700,000 \$ 17,000,000 69645
- State

GRF 776-465 Ohio Rail Development \$ 3,700,000 \$ 3,700,000 69646
Commission

GRF 776-466 Railroad \$ 789,600 \$ 789,600 69647
Crossing/Grade
Separation

GRF 777-471 Airport Improvements - \$ 3,293,985 \$ 1,794,003 69648
State

TOTAL GRF General Revenue Fund \$ 24,483,585 \$ 23,283,603 69649

TOTAL ALL BUDGET FUND GROUPS \$ 24,483,585 \$ 23,283,603 69650

PUBLIC TRANSPORTATION - STATE 69651

Of the foregoing GRF appropriation item 775-451, Public 69652
Transportation - State, \$200,000 in fiscal year 2008 shall be used 69653
for the Cleveland Metropolitan Park District West Creek Project. 69654

TRANSPORTATION STUDY 69655

Of the foregoing appropriation item 775-451, Public 69656
Transportation-State, \$50,000 in fiscal year 2008 shall be used 69657
for a Franklin County school transportation study to determine the 69658
feasibility of a countywide pupil transportation system. 69659

AIRPORT IMPROVEMENTS 69660

Of the foregoing appropriation item 777-471, Airport 69661
Improvements - State, \$1,500,000 in fiscal year 2008 shall be used 69662
for air travel and support and economic development of statewide 69663

airports. The Directors of Development and Transportation may 69664
 enter into one or more interagency agreements between their two 69665
 departments as necessary to implement a statewide strategy to 69666
 enhance Ohio's airports as centers of regional economic 69667
 development. 69668

Of the foregoing appropriation item 777-471, Airport 69669
 Improvements-State, \$1,500,000 in fiscal year 2008 shall be used 69670
 for Cleveland Hopkins Airport projects to support increased 69671
 service and expand the existing hub, as defined in 49 U.S.C. 69672
 40102, Infrastructure. 69673

Section 409.10. TOS TREASURER OF STATE 69674

General Revenue Fund 69675

GRF 090-321 Operating Expenses \$ 9,313,195 \$ 9,313,195 69676

GRF 090-401 Office of the Sinking \$ 537,223 \$ 537,223 69677

Fund 69678

GRF 090-402 Continuing Education \$ 448,843 \$ 448,843 69679

GRF 090-524 Police and Fire \$ 14,000 \$ 12,000 69680

Disability Pension 69681

Fund

GRF 090-534 Police & Fire Ad Hoc \$ 140,000 \$ 130,000 69682

Cost

of Living 69683

GRF 090-554 Police and Fire \$ 910,000 \$ 865,000 69684

Survivor

Benefits 69685

GRF 090-575 Police and Fire Death \$ 20,000,000 \$ 20,000,000 69686

Benefits 69687

TOTAL GRF General Revenue Fund \$ 31,363,261 \$ 31,306,261 69688

General Services Fund Group 69689

4E9 090-603 Securities Lending \$ 3,164,000 \$ 3,314,000 69690

Income

577	090-605	Investment Pool	\$	550,000	\$	550,000	69691
		Reimbursement					69692
605	090-609	Treasurer of State	\$	350,000	\$	350,000	69693
		Administrative Fund					69694
TOTAL GSF General Services							69695
Fund Group			\$	4,064,000	\$	4,214,000	69696
State Special Revenue Fund Group							69697
5C5	090-602	County Treasurer	\$	135,000	\$	135,000	69698
		Education					
TOTAL SSR State Special Revenue							69699
Fund Group			\$	135,000	\$	135,000	69700
Agency Fund Group							69701
425	090-635	Tax Refunds	\$	31,000,000	\$	31,000,000	69702
TOTAL Agency Fund Group							69703
TOTAL ALL BUDGET FUND GROUPS							69704

Section 409.10.10. OFFICE OF THE SINKING FUND 69706

The foregoing appropriation item 090-401, Office of the 69707
Sinking Fund, shall be used for financing and other costs incurred 69708
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 69709
Public Facilities Commission or its secretary, or the Treasurer of 69710
State, with respect to State of Ohio general obligation bonds or 69711
notes, including, but not limited to, printing, advertising, 69712
delivery, rating fees and the procurement of ratings, professional 69713
publications, membership in professional organizations, and 69714
services referred to in division (D) of section 151.01 of the 69715
Revised Code. The General Revenue Fund shall be reimbursed for 69716
such costs by intrastate transfer voucher pursuant to a 69717
certification by the Office of the Sinking Fund of the actual 69718
amounts used. The amounts necessary to make such reimbursements 69719
are appropriated from the general obligation bond retirement funds 69720
created by the Constitution and laws to the extent such costs are 69721

incurred.				69722
POLICE AND FIRE DEATH BENEFIT FUND				69723
The foregoing appropriation item 090-575, Police and Fire				69724
Death Benefits, shall be disbursed quarterly by the Treasurer of				69725
State at the beginning of each quarter of each fiscal year to the				69726
Board of Trustees of the Ohio Police and Fire Pension Fund. The				69727
Treasurer of State shall certify such amounts quarterly to the				69728
Director of Budget and Management. By the twentieth day of June of				69729
each fiscal year, the Board of Trustees of the Ohio Police and				69730
Fire Pension Fund shall certify to the Treasurer of State the				69731
amount disbursed in the current fiscal year to make the payments				69732
required by section 742.63 of the Revised Code and shall return to				69733
the Treasurer of State moneys received from this appropriation				69734
item but not disbursed.				69735
TAX REFUNDS				69736
The foregoing appropriation item 090-635, Tax Refunds, shall				69737
be used to pay refunds under section 5703.052 of the Revised Code.				69738
If the Director of Budget and Management determines that				69739
additional amounts are necessary for this purpose, such amounts				69740
are hereby appropriated.				69741
Section 411.10. TTA OHIO TUITION TRUST AUTHORITY				69742
State Special Revenue Fund Group				69743
5AM 095-603 Index Savings Plan	\$	2,376,852	\$ 2,425,777	69744
5DC 095-604 Banking Products	\$	1,631,283	\$ 1,648,123	69745
5P3 095-602 Variable College	\$	2,031,354	\$ 2,063,596	69746
Savings Fund				
645 095-601 Operating Expenses	\$	872,086	\$ 881,169	69747
TOTAL SSR State Special Revenue				69748
Fund Group	\$	6,911,575	\$ 7,018,665	69749
TOTAL ALL BUDGET FUND GROUPS	\$	6,911,575	\$ 7,018,665	69750

Section 413.10. OVH OHIO VETERANS' HOME				69752	
General Revenue Fund				69753	
GRF 430-100 Personal Services	\$	23,085,261	\$	24,403,903	69754
GRF 430-200 Maintenance	\$	7,835,544	\$	8,458,613	69755
GRF 430-402 Hall of Fame	\$	125,000	\$	125,000	69756
TOTAL GRF General Revenue Fund	\$	31,045,805	\$	32,987,516	69757
General Services Fund Group				69758	
484 430-603 Veterans Home Services	\$	375,880	\$	375,880	69759
TOTAL GSF General Services Fund	\$	375,880	\$	375,880	69760
Group					
Federal Special Revenue Fund Group				69761	
3BX 430-609 Medicare Services	\$	1,446,807		1,446,807	69762
3L2 430-601 Veterans Home	\$	15,290,320	\$	15,410,471	69763
Operations - Federal					
TOTAL FED Federal Special Revenue				69764	
Fund Group	\$	16,737,127	\$	16,857,278	69765
State Special Revenue Fund Group				69766	
4E2 430-602 Veterans Home	\$	8,530,800	\$	8,530,800	69767
Operating					
604 430-604 Veterans Home	\$	770,096	\$	770,096	69768
Improvement					
TOTAL SSR State Special Revenue				69769	
Fund Group	\$	9,300,896	\$	9,300,896	69770
TOTAL ALL BUDGET FUND GROUPS	\$	57,459,708	\$	59,521,570	69771
CORNERSTONE OF HOPE				69772	
Of the foregoing appropriation item 430-100, Personal				69773	
Services, \$100,000 in each fiscal year shall be distributed to				69774	
Cornerstone of Hope to be used to provide professional counseling				69775	
services for individuals who have recently lost family members who				69776	
were service men and service women in the United States Armed				69777	

Forces.				69778
Section 415.10. VET VETERANS' ORGANIZATIONS				69779
General Revenue Fund				69780
VAP AMERICAN EX-PRISONERS OF WAR				69781
GRF 743-501	State Support	\$ 27,533	\$ 27,533	69782
VAN ARMY AND NAVY UNION, USA, INC.				69783
GRF 746-501	State Support	\$ 60,513	\$ 60,513	69784
VKW KOREAN WAR VETERANS				69785
GRF 747-501	State Support	\$ 54,398	\$ 54,398	69786
VJW JEWISH WAR VETERANS				69787
GRF 748-501	State Support	\$ 32,687	\$ 32,687	69788
VCW CATHOLIC WAR VETERANS				69789
GRF 749-501	State Support	\$ 63,789	\$ 63,789	69790
VPH MILITARY ORDER OF THE PURPLE HEART				69791
GRF 750-501	State Support	\$ 62,015	\$ 62,015	69792
VVV VIETNAM VETERANS OF AMERICA				69793
GRF 751-501	State Support	\$ 204,549	\$ 204,549	69794
VAL AMERICAN LEGION OF OHIO				69795
GRF 752-501	State Support	\$ 332,561	\$ 332,561	69796
VII AMVETS				69797
GRF 753-501	State Support	\$ 316,711	\$ 316,711	69798
VAV DISABLED AMERICAN VETERANS				69799
GRF 754-501	State Support	\$ 237,939	\$ 237,939	69800
VMC MARINE CORPS LEAGUE				69801
GRF 756-501	State Support	\$ 127,569	\$ 127,569	69802
V37 37TH DIVISION AEF VETERANS' ASSOCIATION				69803
GRF 757-501	State Support	\$ 6,541	\$ 6,541	69804
VFW VETERANS OF FOREIGN WARS				69805
GRF 758-501	State Support	\$ 271,277	\$ 271,277	69806
TOTAL GRF General Revenue Fund		\$ 1,798,082	\$ 1,798,082	69807
TOTAL ALL BUDGET FUND GROUPS		\$ 1,798,082	\$ 1,798,082	69808

RELEASE OF FUNDS 69809

The foregoing appropriation items 743-501, 746-501, 747-501, 69810
748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 69811
756-501, 757-501, and 758-501, State Support, shall be released 69812
upon approval by the Director of Budget and Management. 69813

CENTRAL OHIO UNITED SERVICES ORGANIZATION 69814

Of the foregoing appropriation item 751-501, State Support, 69815
Vietnam Veterans of America, \$50,000 in each fiscal year shall be 69816
used to support the activities of the Central Ohio USO. 69817

VAL AMERICAN LEGION OF OHIO 69818

Of the foregoing appropriation item 752-501, State Support, 69819
VAL American Legion, at least \$50,000 in each fiscal year shall be 69820
used to fund service officer expenses. 69821

VETERANS SERVICE COMMISSION EDUCATION 69822

Of the foregoing appropriation item 753-501, State Support, 69823
AMVETS, up to \$20,000 in each fiscal year may be used to provide 69824
moneys to the Association of County Veterans Service Commissioners 69825
to reimburse its member county veterans service commissions for 69826
costs incurred in carrying out educational and outreach duties 69827
required under divisions (E) and (F) of section 5901.03 of the 69828
Revised Code. The Director of Budget and Management shall release 69829
these funds upon the presentation of an itemized receipt, approved 69830
by the Governor's Office of Veterans Affairs, from the association 69831
for reasonable and appropriate expenses incurred while performing 69832
these duties. The association shall establish uniform procedures 69833
for reimbursing member commissions. 69834

VII AMVETS 69835

Of the foregoing appropriation item 753-501, State Support, 69836
AMVETS, at least \$50,000 shall be used in each fiscal year to fund 69837
service officer expenses. 69838

VAV DISABLED AMERICAN VETERANS				69839
Of the foregoing appropriation item 754-501, State Support,				69840
VAV Disabled American Veterans, at least \$50,000 in each fiscal				69841
year shall be used to fund service officer expenses.				69842
VMC MARINE CORPS LEAGUE				69843
Of the foregoing appropriation item 756-501, State Support,				69844
VMC Marine Corps League, at least \$30,000 in each fiscal year				69845
shall be used to fund service officer expenses.				69846
VFW VETERANS OF FOREIGN WARS				69847
Of the foregoing appropriation item 758-501, State Support,				69848
VFW Veterans of Foreign Wars, at least \$50,000 in each fiscal year				69849
shall be used to fund service officer expenses.				69850
Section 417.10. DVM STATE VETERINARY MEDICAL BOARD				69851
General Services Fund Group				69852
4K9 888-609 Operating Expenses	\$	322,740	\$ 327,312	69853
5BU 888-602 Veterinary Student	\$	60,000	\$ 0	69854
Loan Program				
TOTAL GSF General Services				69855
Fund Group	\$	382,740	\$ 327,312	69856
TOTAL ALL BUDGET FUND GROUPS	\$	382,740	\$ 327,312	69857
Section 419.10. DYS DEPARTMENT OF YOUTH SERVICES				69859
General Revenue Fund				69860
GRF 470-401 RECLAIM Ohio	\$	186,338,297	\$ 190,599,131	69861
GRF 470-412 Lease Rental Payments	\$	24,207,700	\$ 24,208,700	69862
GRF 470-510 Youth Services	\$	18,558,587	\$ 18,558,587	69863
GRF 472-321 Parole Operations	\$	15,356,904	\$ 15,764,729	69864
GRF 477-321 Administrative	\$	14,754,420	\$ 14,754,419	69865
Operations				
TOTAL GRF General Revenue Fund	\$	259,215,908	\$ 263,885,566	69866

General Services Fund Group				69867
175	470-613	Education	\$ 9,985,035 \$	10,550,725 69868
Reimbursement				
4A2	470-602	Child Support	\$ 328,657 \$	328,657 69869
4G6	470-605	General Operational	\$ 49,713 \$	50,955 69870
Funds				
4G6	470-631	SCALE Program	\$ 100,000 \$	100,000 69871
479	470-609	Employee Food Service	\$ 137,666 \$	137,666 69872
5BN	470-629	E-Rate Program	\$ 200,000 \$	200,000 69873
TOTAL GSF General Services				69874
Fund Group				\$ 10,801,071 \$ 11,368,003 69875
Federal Special Revenue Fund Group				69876
3BH	470-630	Federal Juvenile	\$ 100,000 \$	50,000 69877
Programs FFY 06				
3BT	470-634	Federal Juvenile	\$ 300,000 \$	50,000 69878
Programs				
3BY	470-635	Federal Juvenile	\$ 903,350 \$	350,000 69879
Programs FFY 07				
3BZ	470-636	Federal Juvenile	\$ 0 \$	653,350 69880
Programs FFY 08				
3V5	470-604	Juvenile	\$ 2,750,000 \$	2,750,000 69881
Justice/Delinquency				
Prevention				
3Z9	470-626	Federal Juvenile	\$ 142,253 \$	0 69882
Programs FFY 05				
321	470-601	Education	\$ 5,202,160 \$	5,473,109 69883
321	470-603	Juvenile Justice	\$ 51,000 \$	30,000 69884
Prevention				
321	470-606	Nutrition	\$ 2,908,369 \$	2,981,078 69885
321	470-610	Rehabilitation	\$ 36,000 \$	36,000 69886
Programs				
321	470-614	Title IV-E	\$ 6,162,670 \$	6,316,737 69887

Reimbursements

321 470-617 Americorps Programs	\$	463,700	\$	463,700	69888
321 470-633 Project Re-entry	\$	1,017,843	\$	1,017,843	69889
TOTAL FED Federal Special Revenue					69890
Fund Group	\$	20,037,345	\$	20,171,817	69891
State Special Revenue Fund Group					69892
147 470-612 Vocational Education	\$	2,074,710	\$	2,141,823	69893
5BH 470-628 Partnerships for	\$	1,500,000	\$	1,500,000	69894

Success

TOTAL SSR State Special Revenue					69895
Fund Group	\$	3,574,710	\$	3,641,823	69896
TOTAL ALL BUDGET FUND GROUPS	\$	293,629,034	\$	299,067,209	69897

RECLAIM OHIO

69898

Of the foregoing appropriation item 470-401, RECLAIM Ohio, 69899
 \$25,000 in each fiscal year shall be distributed directly to the 69900
 Lighthouse Youth Services Wrap-Around Program. 69901

OHIO BUILDING AUTHORITY LEASE PAYMENTS

69902

The foregoing appropriation item 470-412, Lease Rental 69903
 Payments, in the Department of Youth Services, shall be used to 69904
 meet all payments to the Ohio Building Authority for the period 69905
 from July 1, 2007, to June 30, 2009, under the leases and 69906
 agreements for facilities made under Chapter 152. of the Revised 69907
 Code. This appropriation is the source of funds pledged for bond 69908
 service charges on related obligations issued pursuant to Chapter 69909
 152. of the Revised Code. 69910

EDUCATION REIMBURSEMENT

69911

The foregoing appropriation item 470-613, Education 69912
 Reimbursement, shall be used to fund the operating expenses of 69913
 providing educational services to youth supervised by the 69914
 Department of Youth Services. Operating expenses include, but are 69915
 not limited to, teachers' salaries, maintenance costs, and 69916

educational equipment. This appropriation item may be used for 69917
capital expenses related to the education program. 69918

EMPLOYEE FOOD SERVICE AND EQUIPMENT 69919

Notwithstanding section 125.14 of the Revised Code, the 69920
foregoing appropriation item 470-609, Employee Food Service, may 69921
be used to purchase any food operational items with funds received 69922
into the fund from reimbursement for state surplus property. 69923

Section 503.03. PERSONAL SERVICE EXPENSES 69924

Unless otherwise prohibited by law, any appropriation from 69925
which personal service expenses are paid shall bear the employer's 69926
share of public employees' retirement, workers' compensation, 69927
disabled workers' relief, and all group insurance programs; the 69928
costs of centralized accounting, centralized payroll processing, 69929
and related personnel reports and services; the cost of the Office 69930
of Collective Bargaining; the cost of the Employee Assistance 69931
Program; the cost of the affirmative action and equal employment 69932
opportunity programs administered by the Department of 69933
Administrative Services; the costs of interagency information 69934
management infrastructure; and the cost of administering the state 69935
employee merit system as required by section 124.07 of the Revised 69936
Code. These costs shall be determined in conformity with the 69937
appropriate sections of law and paid in accordance with procedures 69938
specified by the Office of Budget and Management. Expenditures 69939
from appropriation item 070-601, Public Audit Expense - Local 69940
Government, in Fund 422 may be exempted from the requirements of 69941
this section. 69942

Section 503.06. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 69943
AGAINST THE STATE 69944

Except as otherwise provided in this section, an 69945
appropriation in this act or any other act may be used for the 69946

purpose of satisfying judgments, settlements, or administrative 69947
awards ordered or approved by the Court of Claims or by any other 69948
court of competent jurisdiction in connection with civil actions 69949
against the state. This authorization does not apply to 69950
appropriations to be applied to or used for payment of guarantees 69951
by or on behalf of the state, or for payments under lease 69952
agreements relating to, or debt service on, bonds, notes, or other 69953
obligations of the state. Notwithstanding any other statute to the 69954
contrary, this authorization includes appropriations from funds 69955
into which proceeds of direct obligations of the state are 69956
deposited only to the extent that the judgment, settlement, or 69957
administrative award is for, or represents, capital costs for 69958
which the appropriation may otherwise be used and is consistent 69959
with the purpose for which any related obligations were issued or 69960
entered into. Nothing contained in this section is intended to 69961
subject the state to suit in any forum in which it is not 69962
otherwise subject to suit, and is not intended to waive or 69963
compromise any defense or right available to the state in any suit 69964
against it. 69965

Section 503.09. CAPITAL PROJECT SETTLEMENTS 69966

This section specifies an additional and supplemental 69967
procedure to provide for payments of judgments and settlements if 69968
the Director of Budget and Management determines, pursuant to 69969
division (C)(4) of section 2743.19 of the Revised Code, that 69970
sufficient unencumbered moneys do not exist in the particular 69971
appropriation to pay the amount of a final judgment rendered 69972
against the state or a state agency, including the settlement of a 69973
claim approved by a court, in an action upon and arising out of a 69974
contractual obligation for the construction or improvement of a 69975
capital facility if the costs under the contract were payable in 69976
whole or in part from a state capital projects appropriation. In 69977
such a case, the director may either proceed pursuant to division 69978

(C)(4) of section 2743.19 of the Revised Code or apply to the 69979
Controlling Board to increase an appropriation or create an 69980
appropriation out of any unencumbered moneys in the state treasury 69981
to the credit of the capital projects fund from which the initial 69982
state appropriation was made. The Controlling Board may approve or 69983
disapprove the application as submitted or modified. The amount of 69984
an increase in appropriation or new appropriation specified in an 69985
application approved by the Controlling Board is hereby 69986
appropriated from the applicable capital projects fund and made 69987
available for the payment of the judgment or settlement. 69988

If the director does not make the application authorized by 69989
this section or the Controlling Board disapproves the application, 69990
and the director does not make application under division (C)(4) 69991
of section 2743.19 of the Revised Code, the director shall for the 69992
purpose of making that payment make a request to the General 69993
Assembly as provided for in division (C)(5) of that section. 69994

Section 503.12. RE-ISSUANCE OF VOIDED WARRANTS 69995

In order to provide funds for the reissuance of voided 69996
warrants under section 117.47 of the Revised Code, there is hereby 69997
appropriated, out of moneys in the state treasury from the fund 69998
credited as provided in section 117.47 of the Revised Code, that 69999
amount sufficient to pay such warrants when approved by the Office 70000
of Budget and Management. 70001

Section 503.15. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 70002
BALANCES OF OPERATING APPROPRIATIONS 70003

Except for amounts of \$50,000,000 or more that are encumbered 70004
from the General Revenue Fund for program subsidy payments, which 70005
the Director of Budget and Management must report to the 70006
Controlling Board, an unexpended balance of an operating 70007
appropriation or reappropriation that a state agency lawfully 70008

encumbered prior to the close of a fiscal year is reappropriated 70009
on the first day of July of the following fiscal year from the 70010
fund from which it was originally appropriated or reappropriated 70011
for the following period and shall remain available only for the 70012
purpose of discharging the encumbrance: 70013

(A) For an encumbrance for personal services, maintenance, 70014
equipment, or items for resale, other than an encumbrance for an 70015
item of special order manufacture not available on term contract 70016
or in the open market or for reclamation of land or oil and gas 70017
wells for a period of not more than five months from the end of 70018
the fiscal year; 70019

(B) For an encumbrance for an item of special order 70020
manufacture not available on term contract or in the open market, 70021
for a period of not more than five months from the end of the 70022
fiscal year or, with the written approval of the Director of 70023
Budget and Management, for a period of not more than twelve months 70024
from the end of the fiscal year; 70025

(C) For an encumbrance for reclamation of land or oil and gas 70026
wells, for a period ending when the encumbered appropriation is 70027
expended or for a period of two years, whichever is less; 70028

(D) For an encumbrance for any other expense, for such period 70029
as the director approves, provided such period does not exceed two 70030
years. 70031

Any operating appropriations for which unexpended balances 70032
are reappropriated beyond a five-month period from the end of the 70033
fiscal year by division (B) of this section shall be reported to 70034
the Controlling Board by the Director of Budget and Management by 70035
the thirty-first day of December of each year. The report on each 70036
such item shall include the item, the cost of the item, and the 70037
name of the vendor. The report shall be updated on a quarterly 70038
basis for encumbrances remaining open. 70039

Upon the expiration of the reappropriation period set out in 70040
divisions (A), (B), (C), or (D) of this section, a reappropriation 70041
made by this section lapses, and the Director of Budget and 70042
Management shall cancel the encumbrance of the unexpended 70043
reappropriation not later than the end of the weekend following 70044
the expiration of the reappropriation period. 70045

Notwithstanding the preceding paragraph, with the approval of 70046
the Director of Budget and Management, an unexpended balance of an 70047
encumbrance that was reappropriated on the first day of July by 70048
this section for a period specified in division (C) or (D) of this 70049
section and that remains encumbered at the close of the fiscal 70050
biennium is hereby reappropriated on the first day of July of the 70051
following fiscal biennium from the fund from which it was 70052
originally appropriated or reappropriated for the applicable 70053
period specified in division (C) or (D) of this section and shall 70054
remain available only for the purpose of discharging the 70055
encumbrance. 70056

The Director of Budget and Management may correct accounting 70057
errors committed by the staff of the Office of Budget and 70058
Management, such as re-establishing encumbrances or appropriations 70059
cancelled in error, during the cancellation of operating 70060
encumbrances in November and of nonoperating encumbrances in 70061
December. 70062

If the Controlling Board approved a purchase, that approval 70063
remains in effect so long as the appropriation used to make that 70064
purchase remains encumbered. 70065

Section 503.18. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 70066
RE-ESTABLISHMENT OF ENCUMBRANCES 70067

Any cash transferred by the Director of Budget and Management 70068
under section 126.15 of the Revised Code is hereby appropriated. 70069
Any amounts necessary to re-establish appropriations or 70070

encumbrances under section 126.15 of the Revised Code are hereby 70071
appropriated. 70072

Section 503.21. INCOME TAX DISTRIBUTION TO COUNTIES 70073

There are hereby appropriated out of any moneys in the state 70074
treasury to the credit of the General Revenue Fund, which are not 70075
otherwise appropriated, funds sufficient to make any payment 70076
required by division (B)(2) of section 5747.03 of the Revised 70077
Code. 70078

Section 503.24. EXPENDITURES AND APPROPRIATION INCREASES 70079
APPROVED BY THE CONTROLLING BOARD 70080

Any money that the Controlling Board approves for expenditure 70081
or any increase in appropriation authority that the Controlling 70082
Board approves under sections 127.14, 131.35, and 131.39 of the 70083
Revised Code or any other provision of law is hereby appropriated 70084
for the period ending June 30, 2009. 70085

Section 503.27. FUNDS RECEIVED FOR USE OF GOVERNOR'S 70086
RESIDENCE 70087

If the Governor's Residence Fund (Fund 4H2) receives payment 70088
for use of the residence pursuant to section 107.40 of the Revised 70089
Code, the amounts so received are hereby appropriated to 70090
appropriation item 100-604, Governor's Residence Gift. 70091

Section 506.03. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 70092

The maximum amounts that may be assessed against nuclear 70093
electric utilities under division (B)(2) of section 4937.05 of the 70094
Revised Code are as follows: 70095

	FY 2008	FY 2009	
Department of Agriculture			70097
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	70098

Department of Health			70099
Fund 610 Radiation Emergency Response	\$850,000	\$850,000	70100
Environmental Protection Agency			70101
Fund 644 ER Radiological Safety	\$286,114	\$286,114	70102
Emergency Management Agency			70103
Fund 657 Utility Radiological Safety	\$1,260,000	\$1,260,000	70104
Section 512.01. TRANSFERS OF FISCAL YEAR 2007 GENERAL REVENUE			70105
FUND ENDING BALANCES			70106
Notwithstanding divisions (B)(1)(b), (B)(2), and (C) of			70107
section 131.44 of the Revised Code, the Director of Budget and			70108
Management shall transfer on July 1, 2007, or as soon thereafter			70109
as possible, \$100 million in cash from fiscal year 2007 surplus			70110
revenue to the General Revenue Fund (GRF).			70111
Section 512.03. TRANSFERS TO THE GENERAL REVENUE FUND FROM			70112
NON-GRF FUNDS			70113
Notwithstanding any other provision of law to the contrary,			70114
during fiscal years 2008 and 2009, the Director of Budget and			70115
Management is hereby authorized to transfer cash from non-General			70116
Revenue Fund funds that are not constitutionally restricted to the			70117
General Revenue Fund. The total amount of cash transfers made			70118
pursuant to this section to the General Revenue Fund during fiscal			70119
years 2008 and 2009 shall not exceed \$70,000,000.			70120
Section 512.06. TRANSFERS TO THE GENERAL REVENUE FUND OF			70121
INTEREST EARNED			70122
Notwithstanding any provision of Ohio law to the contrary,			70123
the Director of Budget and Management, through June 30, 2009, may			70124
transfer interest earned by any fund in the Central Accounting			70125
System to the General Revenue Fund. Subsequent to the making of			70126
such transfers, the Director of Budget and Management shall			70127
provide a report to the Controlling Board at its next regularly			70128

scheduled meeting detailing the funds from which the interest 70129
earned was transferred to the General Revenue Fund and the amount 70130
of interest earnings transferred from each of those funds. This 70131
section does not apply to funds whose source of revenue is 70132
restricted or protected by the Constitution of this state, federal 70133
tax law, or the "Cash Management Improvement Act of 1990" 104 70134
Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended. 70135

Section 512.07. CASH TRANSFERS FROM REPARATIONS FUND (Fund 70136
402) TO DISASTER PREPAREDNESS FUND (Fund 5EX) 70137

Notwithstanding any other provision of law to the contrary, 70138
on the first day of July in each of years 2007 and 2008, or as 70139
soon as practicable thereafter in each of those years, the 70140
Director of Budget and Management shall transfer \$350,000 in cash 70141
from the Reparations Fund (Fund 402) to the Disaster Preparedness 70142
Fund (Fund 5EX). 70143

Section 512.09. CORPORATE AND UCC FILING FUND TRANSFER TO GRF 70144

Not later than the first day of June in each year of the 70145
biennium, the Director of Budget and Management shall transfer 70146
\$500,000 from the Corporate and Uniform Commercial Code Filing 70147
Fund to the General Revenue Fund. 70148

Section 512.21. GRF TRANSFER TO FUND 5N4, OAKS PROJECT 70149
IMPLEMENTATION 70150

On July 1, 2007, or as soon thereafter as possible, the 70151
Director of Budget and Management shall transfer an amount not to 70152
exceed \$2,200,725 in cash from the General Revenue Fund to Fund 70153
5N4, OAKS Project Implementation. On July 1, 2008, or as soon 70154
thereafter as possible, the Director of Budget and Management 70155
shall transfer an amount not to exceed \$2,092,779 in cash from the 70156
General Revenue Fund to Fund 5N4, OAKS Project Implementation. 70157

Section 512.31. TEMPORARY TRANSFER TO THE OAKS SUPPORT ORGANIZATION FUND 70158
70159

Notwithstanding any provision of law to the contrary, in 70160
fiscal year 2008, the Director of Budget and Management may 70161
transfer an amount not to exceed \$1,000,000 in cash from the Human 70162
Resources Services Fund (Fund 125) to the OAKS Support 70163
Organization Fund (Fund 5EB). These amounts shall support the 70164
establishment of the OAKS Support Organization. Amounts 70165
transferred to the OAKS Support Organization Fund and interest 70166
earnings on these amounts transferred during fiscal year 2008 70167
shall be returned to the Human Resources Services Fund not later 70168
than January 1, 2008. Upon certification of the total amount 70169
transferred from Fund 125 to Fund 5EB, the Director of Budget and 70170
Management shall transfer cash in the amount certified from Fund 70171
5EB to Fund 125. 70172

Section 512.34. TRANSFER FROM EDUCATION FACILITIES ENDOWMENT FUND 70173
70174

Notwithstanding division (G) of section 183.27 of the Revised 70175
Code, the Director of Budget and Management shall transfer 70176
\$40,000,000 cash in fiscal year 2008 from the Education Facilities 70177
Endowment Fund (Fund P87) to the General Revenue Fund. 70178

Section 512.35. DIESEL EMISSIONS REDUCTION AND TRANSIT CAPITAL GRANT PROGRAMS 70179
70180

On the first day of July of each fiscal year or as soon as 70181
possible thereafter, the Director of Budget and Management shall 70182
(1) transfer \$9,817,105 in cash in fiscal year 2008 and 70183
\$10,057,814 in cash in fiscal year 2009 from the Highway Operating 70184
Fund (Fund 002) to the Diesel Emissions Grant Fund established in 70185
section 122.861 of the Revised Code and (2) transfer \$5,000,000 in 70186
each fiscal year from the Highway Operating Fund to the Transit 70187

Capital Fund (Fund 5E7). The amounts transferred are hereby 70188
appropriated. 70189

The transfer to the Diesel Emissions Grant Fund shall be used 70190
for the administration and oversight of the Diesel Emissions 70191
Reduction Grant Program within the Department of Development. In 70192
addition to the allowable expenditures set forth in section 70193
122.861 of the Revised Code, Diesel Emissions Reduction Grant 70194
Program funds also may be used to fund projects involving the 70195
purchase or use of hybrid and alternative fuel vehicles that are 70196
allowed under guidance developed by the Federal Highway 70197
Administration for the Congestion Mitigation and Air Quality 70198
(CMAQ) Program. The Director of Development, in consultation with 70199
the Director of Environmental Protection, shall develop guidance 70200
for distribution of the funds from the Diesel Emissions Grant 70201
Fund. The guidance shall include a method for prioritization of 70202
projects, acceptable technologies, and procedures for awarding 70203
grants and loans. 70204

The transfer to the Transit Capital Fund (Fund 5E7) shall be 70205
used to supplement the capital portion of the Ohio Public 70206
Transportation Grant Program within the Department of 70207
Transportation. 70208

These cash transfers represent CMAQ program moneys within the 70209
Department of Transportation for use by the Diesel Emissions 70210
Reduction Grant Program by the Department of Development and for 70211
use by the Ohio Public Transportation Grant Program by the Ohio 70212
Department of Transportation. These allocations shall not reduce 70213
the amount of such moneys designated for metropolitan planning 70214
organizations. 70215

Section 512.37. TRANSFER TO ENERGY STRATEGY DEVELOPMENT FUND 70216

On July 1, 2007, and on July 1, 2008, or as soon thereafter 70217
as possible, the Director of Budget and Management may transfer 70218

cash from the funds specified below, in the amount specified 70219
below, to the Energy Strategy Development Fund, which is hereby 70220
created in the state treasury. The fund may accept contributions 70221
and transfers made to the fund. The funds shall be used to develop 70222
energy initiatives, projects, and policy. 70223

<u>Agency</u>	<u>Fund</u>	<u>FY 2008</u>	<u>FY 2009</u>	
Department of Administrative Services	117	\$35,000	\$35,000	70224 70225
Department of Agriculture	3J4	\$35,000	\$35,000	70226
Department of Development	4H4	\$32,447	\$0	70227
Department of Development	135	\$0	\$35,000	70228
Environmental Protection Agency	219	\$35,000	\$35,000	70229
Department of Natural Resources	157	\$35,000	\$35,000	70230
Department of Transportation	002	\$50,000	\$50,000	70231

Section 512.38. CASH TRANSFER FROM AUTOMATED TITLE PROCESSING 70232
FUND TO TITLE DEFECT RESCISSION FUND 70233

Notwithstanding any other provision of law to the contrary, 70234
on July 1, 2007, or as soon as practicable thereafter, the 70235
Director of Budget and Management shall transfer \$1,000,000 in 70236
cash from the Automated Title Processing Fund (Fund 849) to the 70237
Title Defect Rescission Fund (Fund 4Y7). 70238

Section 512.41. For purposes of sections 109.93, 111.18, and 70239
173.85 of the Revised Code, as amended by this act, the Director 70240
of Budget and Management, in collaboration with the Treasurer of 70241
State, may take any action necessary to establish funds in the 70242
state treasury that were previously held in the custody of the 70243
Treasurer of State, including, but not limited to, the transfer of 70244
cash from the custodial funds to the state treasury and the 70245
establishment of appropriations and encumbrances to support 70246
outstanding obligations. The amounts necessary to support 70247
outstanding obligations are hereby appropriated. Agencies may 70248

request additional appropriation authority, but it shall be 70249
subject to approval by the Controlling Board. 70250

Section 512.50. GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE 70251
INTRA-STATE FUND 70252

On July 1, 2007, or as soon as possible thereafter, the 70253
Director of Budget and Management shall transfer \$400,000 cash 70254
from the General Revenue Fund to the Public Audit Expense 70255
Intra-State Fund (Fund 109). The amounts transferred are hereby 70256
appropriated to help pay for expenses incurred in the Auditor of 70257
State's role relating to fiscal caution, fiscal watch, and fiscal 70258
emergency activities as defined in Chapter 3316. of the Revised 70259
Code and for performance audits for school districts in fiscal 70260
distress. 70261

Section 515.03. (A) Effective July 1, 2007, the State Chief 70262
Information Officer shall report to the Director of Budget and 70263
Management. All actions of the State Chief Information Officer 70264
thereafter shall be subject to the approval of the Director of 70265
Budget and Management. The State Chief Information Officer shall 70266
continue to perform all the duties, powers, and obligations of the 70267
State Chief Information Officer and the Office of Information 70268
Technology provided for by law. To allow for the administrative 70269
reorganization and program transfer, the operation of the Office 70270
of Information Technology shall remain within the Department of 70271
Administrative Services until July 1, 2008. Notwithstanding any 70272
section of the Revised Code, funds appropriated in this act to the 70273
Department of Administrative Services for the Office of 70274
Information Technology and the employees and assets of the Office 70275
of Information Technology in the Department shall be used by the 70276
Department as directed by the State Chief Information Officer for 70277
the continued operation of the Office of Information Technology. 70278
Effective July 1, 2008, the operations of the Office of 70279

Information Technology in the Department of Administrative Services cease. 70280
70281

(B) Employees of the Office of Information Technology in the Department of Administrative Services shall be transferred to the Office of Budget and Management. The State Chief Information Officer and the Directors of Administrative Services and the Office of Budget and Management may identify employees of the Department of Administrative Services who provide administrative support to the Office of Information Technology and who shall be transferred to the Office of Budget and Management. Both of these transfers shall take effect on the first day of the first pay period for fiscal year 2009 and are subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code. 70282
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(C) Effective July 1, 2008, all funding, assets, and records of the Office of Information Technology in the Department of Administrative Services shall be transferred to the Office of Budget and Management. 70293
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(D) Any matter commenced but not completed by the Office of Information Technology in the Department of Administrative Services on July 1, 2007, shall be completed by the Office of Information Technology in the Office of Budget and Management, as appropriate, in the same manner, and with the same effect, as if completed by the Office of Information Technology in the Department of Administrative Services. Any validation, cure, right, privilege, remedy, obligation, or liability of the Office of Information Technology is not lost or impaired by reason of the transfer and shall be administered by the State Chief Information Officer and Office of Information Technology in the Office of Budget and Management. 70297
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(E) All rules, orders, policies, directives, and determinations of the State Chief Information Officer and the Office of Information Technology in the Department of 70309
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70311

Administrative Services continue in effect as rules, orders, 70312
policies, directives, and determinations of the State Chief 70313
Information Officer and the Office of Information Technology in 70314
the Office of Budget and Management until modified or rescinded by 70315
the Officer, Office, or the Director of Budget and Management. At 70316
the request of the State Chief Information Officer or the Director 70317
of Budget and Management, and if necessary to ensure the integrity 70318
of the numbering of the Administrative Code, the Director of the 70319
Legislative Service Commission shall renumber rules of the Office 70320
of Information Technology to reflect the transfer to the Office of 70321
Budget and Management. 70322

(F) Effective July 1, 2007, whenever the Department of 70323
Administrative Services, the Office of Information Technology, or 70324
the State Chief Information Officer is referred to in any law, 70325
contract, or other document in relation to statewide information 70326
technology, the reference shall be deemed to refer to the Office 70327
of Budget and Management or the Office of Information Technology 70328
in the Office of Budget and Management. 70329

(G) Effective July 1, 2007, any action or proceeding or 70330
adjudication that is related to the Office of Information 70331
Technology in the Department of Administrative Services and that 70332
is pending shall not be affected by the transfer and shall be 70333
prosecuted or defended in the name of the Director of Budget and 70334
Management or the Office of Budget and Management. In all such 70335
actions and proceedings the Director or the Office, upon 70336
application to the court or agency, shall be substituted as a 70337
party. 70338

(H) On and after July 1, 2007, notwithstanding any provision 70339
of law to the contrary, the Director of Budget and Management is 70340
authorized to take the actions described in this section with 70341
respect to budget changes made necessary by the transfer, 70342
including administrative reorganization, program transfers, the 70343

creation of new funds, and the consolidation of funds as 70344
authorized by this act. The Director may make any transfer of cash 70345
balances between funds. At the request of the Director of Budget 70346
and Management, the State Chief Information Officer shall certify 70347
to the Director an estimate of the amount of the cash balance to 70348
be transferred to the receiving fund. The Director may transfer 70349
the estimated amount when needed to make payments. Not more than 70350
thirty days after certifying the estimated amount, the State Chief 70351
Information Officer shall certify the final amount to the 70352
Director. The Director shall transfer the difference between any 70353
amount previously transferred and the certified final amount. The 70354
Director may cancel encumbrances or parts of encumbrances and 70355
re-establish encumbrances or parts of encumbrances as needed in 70356
the appropriate fund and appropriation item for the same purpose 70357
and to the same vendor. As determined by the Director, the 70358
appropriation authority necessary to re-establish those 70359
encumbrances in a different fund or appropriation item in or 70360
between the Office of Budget and Management and the Department of 70361
Administrative Services is hereby authorized. The Director shall 70362
reduce each year's appropriation balances by the amount of the 70363
encumbrances canceled in their respective funds and appropriation 70364
items. Any fiscal year 2007 unencumbered or unallocated 70365
appropriation balances may be transferred to the appropriate item 70366
to be used for the same purposes, as determined by the Director. 70367

Section 515.06. TRANSFER OF PRINTING SERVICES FROM THE OFFICE 70368
OF INFORMATION TECHNOLOGY 70369

Effective July 1, 2007, or the earliest date thereafter 70370
agreed to by the Director of Budget and Management and the 70371
Director of Administrative Services, the Office of Information 70372
Technology printing office currently located on Integrity Drive in 70373
Columbus shall become part of the Department of Administrative 70374
Services. The functions, assets, and liabilities, including, but 70375

not limited to, records, regardless of form or medium, leases, and 70376
contracts, of the printing office are transferred to the 70377
Department of Administrative Services. The Department of 70378
Administrative Services is thereupon and thereafter successor to, 70379
assumes the obligations of, and otherwise constitutes the 70380
continuation of the printing office. The functions of the printing 70381
office are thereupon and thereafter transferred to the Department 70382
of Administrative Services. 70383

Any business commenced but not completed by the printing 70384
office by the date of the transfer shall be completed by the 70385
Department of Administrative Services, in the same manner, and 70386
with the same effect, as if completed by the printing office. No 70387
validation, cure, right, privilege, remedy, obligation, or 70388
liability is lost or impaired by reason of the transfer and shall 70389
be administered by the Department of Administrative Services. All 70390
the printing office's rules, orders, and determinations continue 70391
in effect as rules, orders, and determinations of the Department 70392
of Administrative Services, until modified or rescinded by the 70393
Department of Administrative Services. If necessary to ensure the 70394
integrity of the Administrative Code rule numbering system, the 70395
Director of the Legislative Service Commission shall renumber the 70396
printing office's rules to reflect their transfer to the 70397
Department of Administrative Services. 70398

Employees of the Office of Information Technology designated 70399
as staff in the printing office shall be transferred to the 70400
Department of Administrative Services. Subject to the layoff 70401
provisions of sections 124.321 to 124.328 of the Revised Code, the 70402
layoff provisions of the contract between the state and all 70403
bargaining units affected, the employees transferred to the 70404
Department of Administrative Services retain their positions and 70405
all benefits accruing thereto. 70406

No judicial or administrative action or proceeding to which 70407

the printing office is a party that is pending on July 1, 2007, or 70408
such later date as may be established by the Director of the 70409
Office of Information Technology and the Director of 70410
Administrative Services, is affected by the transfer of functions. 70411
The action or proceeding shall be prosecuted or defended in the 70412
name of the Director of Administrative Services. On application to 70413
the court or agency, the Director of Administrative Services shall 70414
be substituted for the Director of the Office of Information 70415
Technology as a party to the action or proceeding. 70416

On and after July 1, 2007, notwithstanding any provision of 70417
law to the contrary, the Director of Budget and Management shall 70418
take the actions with respect to budget changes made necessary by 70419
the transfer, including administrative reorganization, program 70420
transfers, the creation of new funds, and the consolidation of 70421
funds as authorized by this section. The Director of Budget and 70422
Management may cancel encumbrances and re-establish encumbrances 70423
or parts of encumbrances as needed in fiscal year 2008 in the 70424
appropriate fund and appropriation item for the same purpose and 70425
for payment to the same vendor. The Director of Budget and 70426
Management as determined necessary, may re-establish encumbrances 70427
in fiscal year 2008 in a different fund or appropriation item in 70428
an agency or between agencies. The re-established encumbrances are 70429
hereby appropriated. The Director of Budget and Management shall 70430
reduce each year's appropriation balances by the amount of the 70431
encumbrance canceled in their respective funds and appropriation 70432
items. 70433

Not later than sixty days after the transfer of the printing 70434
office to the Department of Administrative Services, the Director 70435
of the Office of Information Technology shall certify to the 70436
Director of Budget and Management the amount of cash associated 70437
with printing services supported by Fund 133, IT Services Delivery 70438
Fund. Upon receipt of the certification, the Director of Budget 70439

and Management shall transfer cash from Fund 133, IT Services 70440
Delivery Fund, to Fund 210, State Printing Fund. This amount is 70441
hereby appropriated. 70442

Section 515.09. TRANSFER OF MAIL AND FULFILLMENT SERVICES 70443
FROM THE DEPARTMENT OF JOB AND FAMILY SERVICES 70444

Effective July 1, 2007, or the earliest date thereafter 70445
agreed to by the Director of Job and Family Services and the 70446
Director of Administrative Services, the Department of Job and 70447
Family Services mail and fulfillment office, currently located on 70448
Integrity Drive in Columbus shall become part of the Department of 70449
Administrative Services. The functions, assets, and liabilities, 70450
including, but not limited to, records, regardless of form or 70451
medium, leases, and contracts, of the mail and fulfillment office 70452
is transferred to the Department of Administrative Services. The 70453
Department of Administrative Services is thereupon and thereafter 70454
successor to, assumes the obligations of, and otherwise 70455
constitutes the continuation of the mail and fulfillment office. 70456
The functions of the mail and fulfillment office are thereupon and 70457
thereafter transferred to the Department of Administrative 70458
Services. 70459

Any business commenced but not completed by the mail and 70460
fulfillment office by the date of transfer shall be completed by 70461
the Department of Administrative Services, in the same manner, and 70462
with the same effect, as if completed by the mail and fulfillment 70463
office. No validation, cure, right, privilege, remedy, obligation, 70464
or liability is lost or impaired by reason of the transfer and 70465
shall be administered by the Department of Administrative 70466
Services. All of the mail and fulfillment office's rules, orders, 70467
and determinations continue in effect as rules, orders, and 70468
determinations of the Department of Administrative Services, until 70469
modified or rescinded by the Department of Administrative 70470

Services. If necessary to ensure the integrity of the 70471
Administrative Code rule numbering system, the Director of the 70472
Legislative Service Commission shall renumber the mail and 70473
fulfillment office's rules to reflect their transfer to the 70474
Department of Administrative Services. 70475

Employees of the Department of Job and Family Services 70476
designated as staff in the mail and fulfillment office shall be 70477
transferred to the Department of Administrative Services. Subject 70478
to the layoff provisions of sections 124.321 to 124.328 of the 70479
Revised Code, and to provisions of the contract between the state 70480
and all bargaining units affected, the employees transferred to 70481
the Department of Administrative Services retain their positions 70482
and all benefits accruing thereto. 70483

No judicial or administrative action or proceeding to which 70484
the mail and fulfillment office is a party that is pending on July 70485
1, 2007, or such later date as may be established by the Director 70486
of Job and Family Services and the Director of Administrative 70487
Services, is affected by the transfer of functions. The action or 70488
proceeding shall be prosecuted or defended in the name of the 70489
Director of Administrative Services. On application to the court 70490
or agency, the Director of Administrative Services shall be 70491
substituted for the Director of Job and Family Services as a party 70492
to the action or proceeding. 70493

On and after July 1, 2007, notwithstanding any provision of 70494
law to the contrary, the Director of Budget and Management shall 70495
take the actions with respect to budget changes made necessary by 70496
the transfer, including administrative reorganization, program 70497
transfers, the creation of new funds, and the consolidation of 70498
funds as authorized by this section. The Director of Budget and 70499
Management may cancel encumbrances and re-establish encumbrances 70500
or parts of encumbrances as needed in fiscal year 2008 in the 70501
appropriate fund and appropriation item for the same purpose and 70502

for payment to the same vendor. The Director of Budget and Management, as determined necessary, may re-establish encumbrances in fiscal year 2008 in a different fund or appropriation item in an agency or between agencies. The re-established encumbrances are hereby appropriated. The Director of Budget and Management shall reduce each year's appropriation balances by the amount of the encumbrance canceled in their respective funds and appropriation items.

The Director of Job and Family Services and the Director of Administrative Services shall enter into an interagency agreement establishing terms and timetables for the implementation of this section. The interagency agreement shall include provisions for credits to the Department of Job and Family Services for prepaid postage, agreements for the credit, transfer, or reimbursement of funds to the Department of Job and Family Services to comply with terms and conditions applicable to federal funds expended by the department for the purchase, maintenance, and operation of equipment, agreements for ongoing operations in compliance with federal requirements applicable to Department of Job and Family Services programs that utilize the mail and fulfillment services, transfer of or sharing of lease agreements, and any other agreements that the Director of Job and Family Services and the Director of Administrative Services determine to be necessary for the successful implementation of this section.

Not later than sixty days after the transfer of the mail and fulfillment office to the Department of Administrative Services, the Director of Job and Family Services shall certify to the Director of Budget and Management the amount of any unexpended balance of appropriations made to the department to support the office. Upon receipt of the certification, the Director of Budget and Management shall transfer the appropriations and cash to Fund 210, State Printing Fund.

Section 518.01. TRANSFERS FROM THE TOBACCO MASTER SETTLEMENT 70535
AGREEMENT FUND TO THE GENERAL REVENUE FUND 70536

Notwithstanding any law to the contrary, on July 1, 2007, or 70537
as soon as possible thereafter, and before any other transfers 70538
from the Tobacco Master Settlement Agreement Fund (Fund 087) are 70539
made, the Director of Budget and Management shall transfer 70540
\$9,984,248 to the General Revenue Fund from the Tobacco Master 70541
Settlement Agreement Fund (Fund 087). 70542

Section 518.02. EXCESS TOBACCO SECURITIZATION PROCEEDS 70543

Any proceeds from securitization of the Tobacco Master 70544
Settlement Agreement, after all expenses of the securitization 70545
have been accounted for, in excess of \$5,000,000,000 shall be 70546
deposited in the Public School Building Fund (Fund 021) 70547
established in section 3318.15 of the Revised Code. 70548

Section 518.03. BUDGET ADJUSTMENTS TO REFLECT TOBACCO 70549
SECURITIZATION 70550

(A) Notwithstanding any other provision of law to the 70551
contrary, the Director of Budget and Management, periodically on 70552
any date following the issuance of the tobacco obligations 70553
authorized in section 183.51 of the Revised Code and through June 70554
30, 2009, may: 70555

(1) Determine the amount of appropriation items 235-909, 70556
Higher Education General Obligation Debt Service, and 230-908, 70557
Common Schools General Obligation Debt Service, that are in excess 70558
of the amounts needed to pay all debt service and financing costs 70559
on those obligations payable from each of those items and transfer 70560
all or any portion of that excess appropriation to appropriation 70561
item 200-901, Property Tax Allocation-Education, or 110-901, 70562
Property Tax Allocation-Taxation, or both together as needed for 70563

the purposes of making the state's property tax relief payments to school districts and counties. 70564
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(2) Determine the amount by which interest earnings credited to Fund 034, Higher Education Improvement Fund, and Fund 032, School Building Program Assistance Fund, from the investment of the net proceeds of those tobacco obligations exceed the amount needed to satisfy appropriations from those funds, transfer all or part of that excess cash balance to the General Revenue Fund, and increase appropriation item 200-901, Property Tax Allocation-Education, or 110-901, Property Tax Allocation-Taxation, or both together, by up to the amount of cash so transferred to the General Revenue Fund. 70566
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(3) Determine the amount of capital appropriation in CAP-770, School Building Assistance Program, transfer cash to Fund 5E3, School Facilities Commission, an amount that is necessary to fully expend the amount of net proceeds deposited into Fund 032, School Building Program Assistance Fund, from the issuance of those tobacco obligations and increase the appropriations for CAP-770 and appropriation item 230-644, Operating Expenses-School Facilities Commission, by the necessary amount. 70576
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(4) Determine the amount of additional capital appropriations necessary to fully expend the amount of net proceeds deposited from the issuance of those tobacco obligations into Fund 034, Higher Education Improvement Fund. 70584
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(5) Reduce the amount of authorization to issue and sell general obligations to pay the costs of capital facilities for a system of common schools throughout the state granted to the Ohio Public Facilities Commission by prior acts of the General Assembly to reflect the amount of net proceeds of those tobacco obligations deposited into Fund 034, Higher Education Improvement Fund, that are intended to replace general obligations for the purpose. 70588
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(6) Reduce the amount of authorization to issue and sell 70595
general obligations to pay the costs of capital facilities for 70596
state-supported and state-assisted institutions of higher 70597
education granted to the Ohio Public Facilities Commission by 70598
prior acts of the General Assembly to reflect the amount of net 70599
proceeds of those tobacco obligations deposited into Fund 034, 70600
Higher Education Improvement Fund, that are intended to replace 70601
general obligations for the purpose. 70602

(B) Before the Office of Budget and Management transfers or 70603
increases or decreases any appropriations or authorizations 70604
described in division (A) of this section, the Office of Budget 70605
and Management shall seek Controlling Board approval. 70606

Section 518.06. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 70607

Certain appropriations are in this act for the purpose of 70608
paying debt service and financing costs on general obligation 70609
bonds or notes of the state issued pursuant to the Ohio 70610
Constitution and acts of the General Assembly. If it is determined 70611
that additional appropriations are necessary for this purpose, 70612
such amounts are hereby appropriated. 70613

Section 518.09. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 70614
STATE 70615

Certain appropriations are in this act for the purpose of 70616
making lease rental payments pursuant to leases and agreements 70617
relating to bonds or notes issued by the Ohio Building Authority 70618
or the Treasurer of State or, previously, by the Ohio Public 70619
Facilities Commission, pursuant to the Ohio Constitution and acts 70620
of the General Assembly. If it is determined that additional 70621
appropriations are necessary for this purpose, such amounts are 70622
hereby appropriated. 70623

Section 518.12. AUTHORIZATION FOR TREASURER OF STATE AND OBM 70624
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 70625

The Office of Budget and Management shall initiate and 70626
process disbursements from general obligation and lease rental 70627
payment appropriation items during the period from July 1, 2007, 70628
to June 30, 2009, relating to bonds or notes issued under Sections 70629
2i, 2k, 2l, 2m, 2n, 2o, 2p and 15 of Article VIII, Ohio 70630
Constitution, and Chapters 151. and 154. of the Revised Code. 70631
Disbursements shall be made upon certification by the Treasurer of 70632
State, Office of the Sinking Fund, of the dates and the amounts 70633
due on those dates. 70634

Section 521.03. STATE AND LOCAL REBATE AUTHORIZATION 70635

There is hereby appropriated, from those funds designated by 70636
or pursuant to the applicable proceedings authorizing the issuance 70637
of state obligations, amounts computed at the time to represent 70638
the portion of investment income to be rebated or amounts in lieu 70639
of or in addition to any rebate amount to be paid to the federal 70640
government in order to maintain the exclusion from gross income 70641
for federal income tax purposes of interest on those state 70642
obligations under section 148(f) of the Internal Revenue Code. 70643

Rebate payments shall be approved and vouchered by the Office 70644
of Budget and Management. 70645

Section 521.06. STATEWIDE INDIRECT COST RECOVERY 70646

Whenever the Director of Budget and Management determines 70647
that an appropriation made to a state agency from a fund of the 70648
state is insufficient to provide for the recovery of statewide 70649
indirect costs under section 126.12 of the Revised Code, the 70650
amount required for such purpose is hereby appropriated from the 70651
available receipts of such fund. 70652

Section 521.07. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 70653
INDIRECT COST ALLOCATION PLAN 70654

The total transfers made from the General Revenue Fund by the 70655
Director of Budget and Management under this section shall not 70656
exceed the amounts transferred into the General Revenue Fund under 70657
division (B) of section 126.12 of the Revised Code. 70658

The director of an agency may certify to the Director of 70659
Budget and Management the amount of expenses not allowed to be 70660
included in the Statewide Indirect Cost Allocation Plan under 70661
federal regulations, from any fund included in the Statewide 70662
Indirect Cost Allocation Plan, prepared as required by section 70663
126.12 of the Revised Code. 70664

Upon determining that no alternative source of funding is 70665
available to pay for such expenses, the Director of Budget and 70666
Management may transfer from the General Revenue Fund into the 70667
fund for which the certification is made, up to the amount of the 70668
certification. The director of the agency receiving such funds 70669
shall include, as part of the next budget submission prepared 70670
under section 126.02 of the Revised Code, a request for funding 70671
for such activities from an alternative source such that further 70672
federal disallowances would not be required. 70673

Section 521.09. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 70674

Notwithstanding any provision of law to the contrary, on or 70675
before the first day of September of each fiscal year, the 70676
Director of Budget and Management, in order to reduce the payment 70677
of adjustments to the federal government, as determined by the 70678
plan prepared under division (A) of section 126.12 of the Revised 70679
Code, may designate such funds as the director considers necessary 70680
to retain their own interest earnings. 70681

Section 521.12. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 70682

Pursuant to the plan for compliance with the Federal Cash 70683
Management Improvement Act required by section 131.36 of the 70684
Revised Code, the Director of Budget and Management may cancel and 70685
re-establish all or part of encumbrances in like amounts within 70686
the funds identified by the plan. The amounts necessary to 70687
re-establish all or part of encumbrances are hereby appropriated. 70688

***Section 603.05.** That Sections 203.50, 209.10, 227.10, and 70689
555.08 of Am. Sub. H.B. 67 of the 127th General Assembly be 70690
amended to read as follows: 70691

Sec. 203.50. PUBLIC ACCESS ROADS FOR STATE FACILITIES 70692

Of the foregoing appropriation item 772-421, Highway 70693
Construction - State, \$5,000,000 shall be used in each fiscal year 70694
during the fiscal year 2008-2009 biennium by the Department of 70695
Transportation for the construction, reconstruction, or 70696
maintenance of public access roads, including support features, to 70697
and within state facilities owned or operated by the Department of 70698
Natural Resources. 70699

Notwithstanding section 5511.06 of the Revised Code, of the 70700
foregoing appropriation item 772-421, Highway Construction - 70701
State, \$2,228,000 in each fiscal year of the fiscal year 2008-2009 70702
biennium shall be used by the Department of Transportation for the 70703
construction, reconstruction, or maintenance of park drives or 70704
park roads within the boundaries of metropolitan parks. 70705

Included in the foregoing appropriation item 772-421, Highway 70706
Construction - State, the department may perform related road work 70707
on behalf of the Ohio Expositions Commission at the state 70708
fairgrounds, including reconstruction or maintenance of public 70709
access roads and support features, to and within fairground 70710

facilities as requested by the commission and approved by the 70711
Director of Transportation. 70712

PUBLIC SCHOOL ENTRANCE IMPROVEMENTS 70713

Of the foregoing appropriation item 779-491, 70714
Administration-State, \$4,000,000 in fiscal year 2008, shall be 70715
used by the Department of Transportation to make grants available 70716
for state highway improvements at public school entrances under 70717
the following conditions: 70718

(A) The school is receiving assistance from the Ohio School 70719
Facilities Commission for the renovation or construction of new 70720
school facilities. 70721

(B) The state highway improvements are to be made at 70722
entrances within school zones. 70723

Grant awards shall be limited to \$500,000 per school 70724
district, and are contingent on local government officials or the 70725
participating school district, or both, matching 25 per cent of 70726
the improvement cost. 70727

LIQUIDATION OF UNFORESEEN LIABILITIES 70728

Any appropriation made to the Department of Transportation, 70729
Highway Operating Fund, not otherwise restricted by law, is 70730
available to liquidate unforeseen liabilities arising from 70731
contractual agreements of prior years when the prior year 70732
encumbrance is insufficient. 70733

Sec. 209.10. ENFORCEMENT 70734

State Highway Safety Fund Group 70735

036 764-033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 70736

036 764-321 Operating Expense - \$ 253,967,276 \$ 267,539,597 70737

Highway Patrol

036 764-605 Motor Carrier \$ 3,061,817 \$ 3,340,468 70738

	Enforcement Expenses				
83C 764-630	Contraband,	\$	622,894	\$	622,894
	Forfeiture, Other				70739
83F 764-657	Law Enforcement	\$	7,945,555	\$	8,275,898
	Automated Data System				70740
83G 764-633	OMVI	\$	650,000	\$	650,000
	Enforcement/Education				70741
83J 764-693	Highway Patrol Justice	\$	2,100,000	\$	2,100,000
	Contraband				70742
83T 764-694	Highway Patrol	\$	21,000	\$	21,000
	Treasury Contraband				70743
831 764-610	Patrol - Federal	\$	2,455,484	\$	2,455,484
831 764-659	Transportation	\$	5,665,690	\$	6,132,592
	Enforcement - Federal				70745
831 769-631	Homeland Security -	\$	1,500,000	\$	1,552,500
	Federal				70746
837 764-602	Turnpike Policing	\$	10,893,146	\$	11,553,959
838 764-606	Patrol Reimbursement	\$	175,000	\$	175,000
840 764-607	State Fair Security	\$	1,396,283	\$	1,396,283
840 764-617	Security and	\$	6,231,916	\$	6,155,385
	Investigations				70750
840 764-626	State Fairgrounds	\$	788,375	\$	788,375
	Police Force				70751
840 769-632	Homeland Security -	\$	1,913,276	\$	1,989,807
	Operating				70752
841 764-603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399
	Highway Patrol				70753
TOTAL HSF	State Highway Safety				70754
Fund Group		\$	301,977,111	\$	317,338,641
General Services Fund Group					70755
4S2 764-660	MARCS Maintenance	\$	335,862	\$	389,149
TOTAL GSF	General Services				70756
Fund Group		\$	335,862	\$	389,149
					70759

TOTAL ALL BUDGET FUND GROUPS - 70760

Enforcement \$ 302,312,973 \$ 317,727,790 70761

COLLECTIVE BARGAINING INCREASES 70762

Notwithstanding division (D) of section 127.14 and division 70763
(B) of section 131.35 of the Revised Code, except for the General 70764
Revenue Fund, the Controlling Board may, upon the request of 70765
either the Director of Budget and Management, or the Department of 70766
Public Safety with the approval of the Director of Budget and 70767
Management, increase appropriations for any fund, as necessary for 70768
the Department of Public Safety, to assist in paying the costs of 70769
increases in employee compensation that have occurred pursuant to 70770
collective bargaining agreements under Chapter 4117. of the 70771
Revised Code and, for exempt employees, under section 124.152 of 70772
the Revised Code. 70773

TRAFFIC SAFETY OPERATING FUND 70774

On July 1, 2007, or as soon thereafter as possible, the 70775
Director of Budget and Management shall transfer the cash balance 70776
in the Traffic Safety Operating Fund (Fund 5AY) to the Highway 70777
Safety Fund (Fund 036). The Director of Budget and Management 70778
shall cancel any existing encumbrances against appropriation item 70779
764-688, Traffic Safety Operating, and re-establish them against 70780
appropriation item 764-321, Operating Expense - Highway Patrol. 70781
The amounts of the re-established encumbrances are hereby 70782
appropriated. Upon completion of these transfers, the Traffic 70783
Safety Operating Fund (Fund 5AY) is hereby abolished. 70784

CASH TRANSFER TO THE STATE HIGHWAY SAFETY FUND 70785

Effective July 1, 2007, the Treasurer of State, prior to 70786
making any of the distributions listed in sections 5735.23, 70787
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 70788
at least the first \$1,250,000 and up to \$1,600,000 received each 70789
month to the credit of the State Highway Safety Fund (Fund 036) 70790

pursuant to a schedule determined by the Director of Budget and 70791
Management. 70792

Sec. 227.10. DEV DEPARTMENT OF DEVELOPMENT 70793

State Special Revenue Fund Group 70794

4W0 195-629 Roadwork Development \$ 18,699,900 \$ 18,699,900 70795

TOTAL SSR State Special Revenue 70796

Fund Group \$ 18,699,900 \$ 18,699,900 70797

TOTAL ALL BUDGET FUND GROUPS \$ 18,699,900 \$ 18,699,900 70798

ROADWORK DEVELOPMENT FUND 70799

The Roadwork Development Fund shall be used for road 70800

improvements associated with economic development opportunities 70801

that will retain or attract businesses for Ohio. "Road 70802

improvements" are improvements to public roadway facilities 70803

located on, or serving or capable of serving, a project site. 70804

The Department of Transportation, under the direction of the 70805

Department of Development, shall provide these funds in accordance 70806

with all guidelines and requirements established for Department of 70807

Development appropriation item 195-412, Business Development, 70808

including Controlling Board review and approval as well as the 70809

requirements for usage of gas tax revenue prescribed in Section 5a 70810

of Article XII, Ohio Constitution. Should the Department of 70811

Development require the assistance of the Department of 70812

Transportation to bring a project to completion, the Department of 70813

Transportation shall use its authority under Title LV of the 70814

Revised Code to provide such assistance and enter into contracts 70815

on behalf of the Department of Development. In addition, these 70816

funds may be used in conjunction with appropriation item 195-412, 70817

Business Development, or any other state funds appropriated for 70818

infrastructure improvements. 70819

The Director of Budget and Management, pursuant to a plan 70820

submitted by the Department of Development or as otherwise 70821
determined by the Director of Budget and Management, shall set a 70822
cash transfer schedule to meet the cash needs of the Department of 70823
Development's Roadwork Development Fund (Fund 4W0), less any other 70824
available cash. The Director shall transfer to the Roadwork 70825
Development Fund from the Highway Operating Fund (Fund 002), 70826
established in section 5735.291 of the Revised Code, such amounts 70827
at such times as determined by the transfer schedule. 70828

Of the foregoing appropriation item 195-629, Roadwork 70829
Development, \$1,000,000 over the fiscal year 2008-2009 biennium 70830
shall be used for improvements to the State Route 33 Avery 70831
Muirfield Interchange. 70832

TRANSPORTATION IMPROVEMENT DISTRICTS 70833

Notwithstanding section 5540.151 of the Revised Code, of the 70834
foregoing appropriation item 195-629, Roadwork Development, 70835
\$250,000 in each fiscal year of the biennium shall be granted by 70836
the Director of Development to each of the transportation 70837
improvement districts of Butler, Clermont, Hamilton, Lorain, 70838
Medina, Montgomery, Muskingum, and Stark counties and to the 70839
Rossford Transportation Improvement District in Wood County. Any 70840
grant made under this paragraph is not subject to the restrictions 70841
of appropriation item 195-629, Roadwork Development. 70842

Sec. 555.08. The Department of Transportation shall construct 70843
the major new construction projects selected by the Transportation 70844
Review Advisory Council on December 20, 2006, as Tier I projects 70845
for construction in fiscal years 2007 through 2013 and shall not 70846
undertake other major new construction projects until construction 70847
of such selected Tier I projects has commenced in accordance with 70848
the December 20, 2006, recommendations. However, nothing in this 70849
section shall require the Department of Transportation to 70850
undertake the major new Tier I construction projects selected by 70851

the Transportation Review Advisory Council on December 20, 2006, 70852
ahead of projects selected as Tier I projects prior to that date; 70853
the Department may continue with such previously selected Tier I 70854
projects in accordance with the prior recommendations. The 70855
Transportation Review Advisory Council may recommend additional 70856
major new projects in accordance with the policies promulgated by 70857
the Council, but new Tier I projects shall not be given priority 70858
over Tier I projects recommended on December 20, 2006. 70859

***Section 603.06.** That existing Sections 203.50, 209.10, 70860
227.10, and 555.08 of Am. Sub. H.B. 67 of the 127th General 70861
Assembly are hereby repealed. 70862

Section 605.05. That Section 252.70 of Am. Sub. H.B. 530 of 70863
the 126th General Assembly be amended to read as follows: 70864

Reappropriations

Sec. 252.70. OSU OHIO STATE UNIVERSITY 70865

CAP-074	Basic Renovations	\$	19,255,664	70866
CAP-149	Basic Renovations - Regional Campuses	\$	2,083,163	70867
CAP-198	Brown Hall Annex Replacement	\$	6,213	70868
CAP-254	Basic Renovations - ATI	\$	127,444	70869
CAP-255	Supplemental Renovations - OARDC	\$	2,826,343	70870
CAP-256	Supplemental Renovations - Regional	\$	191,955	70871
CAP-258	Dreese Lab Addition	\$	12,340	70872
CAP-261	Bioscience/Parks Hall Addition	\$	12,584	70873
CAP-269	Greenhouse Modernization	\$	40,982	70874
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$	15,344	70875
CAP-292	Life Sciences Research Building	\$	202,898	70876
CAP-302	Food Science & Technology Building	\$	89,990	70877
CAP-306	Heart & Lung Institute	\$	32,437	70878
CAP-311	Superconducting Radiation	\$	65,094	70879

CAP-313	Brain Tumor Research Center	\$	6,001	70880
CAP-314	Engineering Center Net Shape Manufacturing	\$	20,730	70881
CAP-315	Membrane Protein Typology	\$	8,835	70882
CAP-316	Instructional and Data Processing Equipment	\$	198,844	70883
CAP-321	Fine Particle Technologies	\$	157,936	70884
CAP-323	Advanced Plasma Engineering	\$	22,379	70885
CAP-324	Plasma Ramparts	\$	1,150	70886
CAP-326	IN-SITU AL-BE Composites	\$	1,733	70887
CAP-335	Jay Cooke Residence - Roof and Windows	\$	86,668	70888
CAP-347	Asbestos Abatement	\$	5,325	70889
CAP-349	Materials Network	\$	91,983	70890
CAP-350	Bio-Technology Consortium	\$	42,378	70891
CAP-352	Analytical Electron Microscope	\$	375,000	70892
CAP-353	High Temp Alloys & Alluminoids	\$	220,000	70893
CAP-357	Supplemental Renovations - ATI	\$	33,969	70894
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	70895
CAP-362	McPherson Lab Rehabilitation	\$	10,278	70896
CAP-368	Heart and Lung Institute	\$	101,808	70897
CAP-374	ADA Modifications	\$	178,870	70898
CAP-375	ADA Modifications - ATI	\$	41,936	70899
CAP-376	ADA Modifications - Lima	\$	95,538	70900
CAP-377	ADA Modifications - Mansfield	\$	15,253	70901
CAP-387	Titanium Alloys	\$	54,912	70902
CAP-394	ATI/OARDC Roof Replacements	\$	13,913	70903
CAP-398	Advanced Manufacturing	\$	38,579	70904
CAP-399	Manufacturing Processes/Materials	\$	62,574	70905
CAP-401	Terhertz Studies	\$	35,294	70906
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750	70907
CAP-413	Pomerene Lighting/Wiring	\$	249,584	70908
CAP-419	NMR Consortium	\$	75,116	70909

CAP-420	Versatile Film Facility	\$	62,872	70910
CAP-421	OCARNET	\$	5,916	70911
CAP-422	Bioprocessing Research	\$	1,905	70912
CAP-423	Localized Corrosion Research	\$	6,128	70913
CAP-424	ATM Testbed	\$	3,633	70914
CAP-425	Physical Sciences Building	\$	27,748	70915
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	1,347,191	70916
CAP-431	Sisson Hall Replacement	\$	5,571	70917
CAP-436	Machinery Acoustics	\$	3,804	70918
CAP-439	Sensors and Measurements	\$	15,115	70919
CAP-440	Polymer Magnets	\$	1,099	70920
CAP-458	Al Alloy Corrosion	\$	14,292	70921
CAP-484	Page Hall Planning	\$	7,210	70922
CAP-485	Botany & Zoology Building Planning	\$	207,932	70923
CAP-486	Larkins Hall Addition/Renovation Planning	\$	26,206	70924
CAP-487	Robinson Laboratory Planning	\$	149,100	70925
CAP-488	Don Scott Field Replacement Barns	\$	1,495,619	70926
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	70927
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400	70928
CAP-492	OARDC Feed Mill	\$	5,598,644	70929
CAP-499	Biological Sciences Cooling Tower	\$	6,930	70930
CAP-509	Mount Hall HVAC Modifications	\$	40,982	70931
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	70932
CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259	70933
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	193,886	70934
CAP-524	Bone & Mineral Metabolism Research Lab	\$	5,845	70935
CAP-531	Animal & Plant Biology Level 3	\$	8,133,780	70936

CAP-534	Main Library Rehabilitation	\$	9,320,846	70937
CAP-535	Psychology Building	\$	2,128,529	70938
CAP-536	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	199,799	70939
CAP-539	Nanosecond Infrared Measurement	\$	2,588	70940
CAP-550	Millimeter/Submillimeter Instrument	\$	5,919	70941
CAP-552	X-Ray Powder Diffractometer	\$	558	70942
CAP-554	Deconvolution Microscope	\$	1,101	70943
CAP-556	Heart/Lung Institute Animal Facility	\$	13,140	70944
CAP-564	Denney Hall Renovation - Phase I	\$	18,495	70945
CAP-565	Ion Mass Spectrometry	\$	6,594	70946
CAP-568	Role of Molecular Interfaces	\$	17,554	70947
CAP-572	New Millimeter Spectrometer	\$	714	70948
CAP-574	Noncredit Job Training - Marion	\$	2,933	70949
CAP-576	1224 Kinnear Road - Bale	\$	11,722	70950
CAP-577	Non-Silicon Micromachining	\$	73,991	70951
CAP-579	Veterinary Hospital Auditorium Renovation	\$	7,736	70952
CAP-586	Electroscience Lab Renovation	\$	5,853	70953
CAP-587	OARDC Boiler Replacement	\$	622,757	70954
CAP-590	Supercomputer Center Expansion	\$	6,804,275	70955
CAP-596	Information Literacy	\$	135,574	70956
CAP-597	Online Business Major	\$	5,768	70957
CAP-599	Renovation of Graves Hall	\$	68,196	70958
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398	70959
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	111,981	70960
CAP-608	Dual Beam Characterization	\$	150,000	70961
CAP-616	Environmental Technology Consortium	\$	11,297	70962
CAP-617	Campbell, University, and Evans Hall	\$	87,439	70963
CAP-620	School of Music - Planning	\$	1,500	70964
CAP-622	Western Branch Headquarters & Machinery Building	\$	779,525	70965
CAP-624	Muck Crops Branch/Shop Building	\$	756,336	70966

	Replacement			
CAP-625	Hazardous Waste Handling/Storage Building	\$	1,103,062	70967
CAP-626	Agriculture/Engineering Building Renovation & Addition	\$	200,000	70968
CAP-628	Wood County Center for Agriculture	\$	1,000,000	70969
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	70970
CAP-631	Health Psychology	\$	250,000	70971
CAP-632	Nanotechnology Molecular Assembly	\$	500,000	70972
CAP-633	Networking and Communication	\$	500,000	70973
CAP-634	Planetary Gear	\$	125,000	70974
CAP-635	X-Ray Fluorescence Spectrometer	\$	2,283	70975
CAP-636	Precision Navigation	\$	85,000	70976
CAP-637	Welding & Metal Working	\$	200,000	70977
CAP-638	Spin Driven Electronics	\$	6,436	70978
CAP-639	Inductively Coupled Plasma Etching	\$	126,729	70979
CAP-641	Accelerated Metals	\$	1,020,331	70980
CAP-642	Mathematical Biosciences Institute	\$	54,863	70981
CAP-646	Mershon Auditorium HVAC System Improvements	\$	2,098	70982
CAP-647	Molecular Microdevices	\$	14,033	70983
CAP-648	Research Center HVAC System Improvements	\$	17,088	70984
CAP-649	Infrared Absorption Measurements	\$	2,899	70985
CAP-650	Dark Fiber	\$	3,983,440	70986
CAP-651	Shared Data Backup System	\$	20,922	70987
CAP-653	Third Frontier Network Testbed	\$	280,564	70988
CAP-654	Distributed Learning Workshop	\$	270,000	70989
CAP-656	Accelerated Maturation of Materials	\$	209,702	70990
CAP-657	Nanoscale Polymers Manufacturing	\$	629,699	70991
CAP-658	Hydrogen Production and Storage	\$	32,396	70992
CAP-659	Ohio Organic Semiconductor	\$	367,587	70993
CAP-663	Comprehensive Cancer - Chiller Replacement	\$	42,687	70994

CAP-664	Kottman Hall - 103 Central Classroom	\$	19,285	70995
CAP-668	West Campus Chilled Water & Scott Hall	\$	16,139	70996
CAP-669	McCracken Power Plant Spill Control	\$	268,508	70997
CAP-670	Glacial Assessment	\$	22,764	70998
CAP-672	Chemical Vapor Deposition	\$	13,500	70999
CAP-674	Parks Hall Chiller Replacement	\$	135,360	71000
CAP-675	Hybrid Electric Vehicle Modeling	\$	504,536	71001
CAP-676	Computational Nanotechnology	\$	500,000	71002
CAP-677	Townshend Hall - Roof Replacement	\$	328,772	71003
CAP-678	Center For Materials Design	\$	1,037	71004
CAP-681	Vet Hospital Roof Replacement Phase II	\$	85,645	71005
CAP-682	Hopkins Hall Phase II Priorities I, II	\$	108,052	71006
CAP-683	Bioscience 6th Floor Renovation - Priority	\$	983,186	71007
CAP-684	Ohio Commons For Digital Education	\$	118,924	71008
CAP-685	Postle Hall Fire Alarm Replacement	\$	116,441	71009
CAP-686	NonCredit Job Education & Training	\$	21,104	71010
CAP-687	Campus South Dorms Renovation/Improvements	\$	950,000	71011
CAP-688	Bricker Hall Roof Replacement	\$	23,123	71012
CAP-694	Neuroscience Center Core	\$	193,991	71013
CAP-696	Campus Grounds-Exterior Lighting - Phase VIII	\$	33,814	71014
CAP-697	930 Kinnear Road Renovations	\$	773,303	71015
CAP-698	Waterman Lab & Don Scott Field	\$	652,752	71016
CAP-699	Lincoln Tower Renovations - Phase 1	\$	477,626	71017
CAP-700	Coe Corrosion Coop	\$	58,750	71018
CAP-701	OSU Cancer Program Expansion	\$	2,000,000	71019
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000	71020
CAP-704	Warner Library and Student Center	\$	1,789,324	71021
CAP-705	Hopewell Hall Science Suite	\$	508,408	71022
CAP-706	Atomic Force Microscopy	\$	180,000	71023
CAP-707	Interactive Applications	\$	463,018	71024

CAP-712	OSU Mansfield - Third Street Project	\$	234,000	71025
CAP-714	Health Psychology	\$	150,000	71026
CAP-716	Ohio Bioproducts Innovation Center	\$	9,689,847	71027
CAP-717	Center for Materials Design	\$	602,615	71028
CAP-718	Specialized Planetary Gears	\$	150,000	71029
CAP-719	OSU Agricultural Building	\$	1,500,000	71030
CAP-720	Automated Afm System	\$	180,000	71031
CAP-721	Integrated Wireless Communication	\$	141,000	71032
Total Ohio State University		\$	105,955,671	71033

BASIC RENOVATIONS 71034

The amount reappropriated for the foregoing appropriation 71035
item CAP-074, Basic Renovations, is the sum of the unencumbered 71036
and unallotted balance as of June 30, 2006, in appropriation item 71037
CAP-074, Basic Renovations, plus \$6,927. 71038

OARDC THORNE & GOURLEY HALL 71039

The amount reappropriated for the foregoing appropriation 71040
item CAP-274, OARDC Thorne & Gourley Hall shall be \$1,007. 71041

WOOD COUNTY CENTER FOR AGRICULTURE 71042

Of the foregoing appropriation item CAP-628, Wood County 71043
Center for Agriculture, up to \$300,000 shall be used for building 71044
renovations to the OSU Extension Office/Ag Business Enhancement 71045
Center. 71046

The remainder of appropriation item CAP-628, Wood County 71047
Center for Agriculture, shall be used for an alternative energy 71048
generation project at the East Gypsy Lane Complex in Wood County 71049
or an agricultural energy facility recommended by the Wood County 71050
commissioners. 71051

Section 605.06. That existing Section 252.70 of Am. Sub. H.B. 71052
530 of the 126th General Assembly is hereby repealed. 71053

Section 605.11. That Section 235.30 of Am. Sub. H.B. 530 of 71054
the 126th General Assembly, as amended by Sub. H.B. 251 of the 71055
126th General Assembly, be amended to read as follows: 71056

Reappropriations

Sec. 235.30.	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		71057
CAP-809	Hazardous Substance Abatement	\$ 1,609,476	71058
CAP-811	Health/EPA Laboratory Facilities	\$ 1,116,354	71059
CAP-822	Americans with Disabilities Act	\$ 1,598,416	71060
CAP-826	Office Services Building Renovation	\$ 86,483	71061
CAP-827	Statewide Communications System	\$ 16,943,803	71062
CAP-834	Capital Project Management System	\$ 1,157,600	71063
CAP-835	Energy Conservation Projects	\$ 4,490,085	71064
CAP-837	Major Computer Purchases	\$ 1,476,068	71065
CAP-838	SOCC Renovations	\$ 1,399,122	71066
CAP-844	Hamilton State/Local Government Center - Planning	\$ 57,500	71067
CAP-849	Facility Planning and Development	\$ 3,492,200	71068
CAP-850	Education Building Renovations	\$ 14,649	71069
CAP-852	North High Building Complex Renovations	\$ 11,534,496	71070
CAP-855	Office Space Planning	\$ 5,274,502	71071
CAP-856	Governor's Residence Security Update	\$ 6,433	71072
CAP-859	eSecure Ohio	\$ 2,626,921	71073
CAP-860	Structured Cabling	\$ 403,518	71074
CAP-864	eGovernment Infrastructure	\$ 1,297,400	71075
CAP-865	DAS Building Security	\$ 140,852	71076
CAP-866	OH*1 Network	\$ 4,000,000	71077
CAP-867	Lausche Building Connector	\$ 1,307,200	71078
CAP-868	Riversouth Development	\$ 18,500,000	71079
	Total Department of Administrative Services	\$ 78,533,078	71080
	HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES		71081
	The foregoing appropriation item CAP-809, Hazardous Substance		71082

Abatement, shall be used to fund the removal of asbestos, PCB, 71083
radon gas, and other contamination hazards from state facilities. 71084

Prior to the release of funds for asbestos abatement, the 71085
Department of Administrative Services shall review proposals from 71086
state agencies to use these funds for asbestos abatement projects 71087
based on criteria developed by the Department of Administrative 71088
Services. Upon a determination by the Department of Administrative 71089
Services that the requesting agency cannot fund the asbestos 71090
abatement project or other toxic materials removal through 71091
existing capital and operating appropriations, the Department may 71092
request the release of funds for such projects by the Controlling 71093
Board. State agencies intending to fund asbestos abatement or 71094
other toxic materials removal through existing capital and 71095
operating appropriations shall notify the Director of 71096
Administrative Services of the nature and scope prior to 71097
commencing the project. 71098

Only agencies that have received appropriations for capital 71099
projects from the Administrative Building Fund (Fund 026) are 71100
eligible to receive funding from this item. Public school 71101
districts are not eligible. 71102

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 71103

The foregoing appropriation item CAP-822, Americans with 71104
Disabilities Act, shall be used to renovate state-owned facilities 71105
to provide access for physically disabled persons in accordance 71106
with Title II of the Americans with Disabilities Act. 71107

Prior to the release of funds for renovation, state agencies 71108
shall perform self-evaluations of state-owned facilities 71109
identifying barriers to access to service. State agencies shall 71110
prioritize access barriers and develop a transition plan for the 71111
removal of these barriers. The Department of Administrative 71112
Services shall review proposals from state agencies to use these 71113

funds for Americans with Disabilities Act renovations. 71114

Only agencies that have received appropriations for capital 71115
projects from the Administrative Building Fund (Fund 026) are 71116
eligible to receive funding from this item. Public school 71117
districts are not eligible. 71118

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 71119

~~There is hereby continued a Multi Agency Radio Communications 71120
System (MARCS) Steering Committee consisting of the designees of 71121
the Directors of the Office of Information Technology, Public 71122
Safety, Natural Resources, Transportation, Rehabilitation and 71123
Correction, and Budget and Management. The Director of the Office 71124
of Information Technology or the Director's designee shall chair 71125
the Committee. The Committee shall provide assistance to the 71126
Director of the Office of Information Technology for effective and 71127
efficient implementation of the MARCS system as well as develop 71128
policies for the ongoing management of the system. Upon dates 71129
prescribed by the Directors of the Office of Information 71130
Technology and Budget and Management, the MARCS Steering Committee 71131
shall report to the Directors on the progress of MARCS 71132
implementation and the development of policies related to the 71133
system. 71134~~

The foregoing appropriation item CAP-827, Statewide 71135
Communications System, shall be used to purchase or construct the 71136
components of MARCS that are not specific to any one agency. The 71137
equipment may include, but is not limited to, multi-agency 71138
equipment at the Emergency Operations Center/Joint Dispatch 71139
Facility, computer and telecommunication equipment used for the 71140
functioning and integration of the system, communications towers, 71141
tower sites, tower equipment, and linkages among towers and 71142
between towers and the State of Ohio Network for Integrated 71143
Communication (SONIC) system. ~~The Director of the Office of 71144
Information Technology~~ State Chief Information Officer shall, with 71145

the concurrence of the MARCS Steering Committee, determine the 71146
specific use of funds. 71147

The amount reappropriated for the foregoing appropriation 71148
item CAP-827, Statewide Communications System, is the unencumbered 71149
and unallotted balance as of June 30, 2006, in appropriation item 71150
CAP-827, Statewide Communications System, plus \$623,665.11. 71151

Spending from this appropriation item shall not be subject to 71152
Chapters 123. and 153. of the Revised Code. 71153

ENERGY CONSERVATION PROJECTS 71154

The foregoing appropriation item CAP-835, Energy Conservation 71155
Projects, shall be used to perform energy conservation 71156
renovations, including the United States Environmental Protection 71157
Agency's Energy Star Program, in state-owned facilities. Prior to 71158
the release of funds for renovation, state agencies shall have 71159
performed a comprehensive energy audit for each project. The 71160
Department of Administrative Services shall review and approve 71161
proposals from state agencies to use these funds for energy 71162
conservation. Public school districts and state-supported and 71163
state-assisted institutions of higher education are not eligible 71164
for funding from this item. 71165

The amount reappropriated for the foregoing appropriation 71166
item CAP-835, Energy Conservation Projects, is the unencumbered 71167
and unallotted balance as of June 30, 2006, in appropriation item 71168
CAP-835, Energy Conservation Projects, plus \$3,600,000. 71169

NORTH HIGH BUILDING COMPLEX RENOVATIONS 71170

The amount reappropriated for the foregoing appropriation 71171
item CAP-852, North High Building Complex Renovations, is the 71172
unencumbered and unallotted balance as of June 30, 2006, in 71173
appropriation item CAP-852, North High Building Complex 71174
Renovations, plus the sum of the unencumbered and unallotted 71175
balance for appropriation item CAP-813, Heer Building Renovation 71176

as of June 30, 2006. 71177

Section 605.12. That existing Section 235.30 of Am. Sub. H.B. 71178
530 of the 126th General Assembly, as amended by Sub. H.B. 251 of 71179
the 126th General Assembly is hereby repealed. 71180

Section 605.17. That Section 329.10 of Am. Sub. H.B. 699 of 71181
the 126th General Assembly be amended to read as follows: 71182

Sec. 329.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 71183

The Ohio Administrative Knowledge System (OAKS) shall be an 71184
enterprise resource planning system that replaces the state's 71185
central services infrastructure systems, including the Central 71186
Accounting System, the Human Resources/Payroll System, the Capital 71187
Improvements Projects Tracking System, the Fixed Assets Management 71188
System, and the Procurement System. The ~~Department of~~ 71189
~~Administrative Services, in conjunction with the Office of Budget~~ 71190
~~and Management, Office of Information Technology~~ may acquire the 71191
system, including, but not limited to, the enterprise resource 71192
planning software and installation and implementation thereof 71193
pursuant to Chapter 125. of the Revised Code. Any lease-purchase 71194
arrangement utilized under Chapter 125. of the Revised Code, 71195
including any fractionalized interest therein as defined in 71196
division (N) of section 133.01 of the Revised Code, shall provide 71197
at the end of the lease period that OAKS shall become the property 71198
of the state. 71199

Section 605.18. That existing Section 329.10 of Am. Sub. H.B. 71200
699 of the 126th General Assembly is hereby repealed. 71201

Section 605.23. That Section 203.20 of Sub. S.B. 321 of the 71202
126th General Assembly be amended to read as follows: 71203

Sec. 203.20.	AGO ATTORNEY GENERAL				71204	
	Tobacco Master Settlement Agreement Fund Group				71205	
J87 055-635	Law Enforcement	\$	620,000	\$	0 <u>3,350,000</u>	71206
	Technology, Training, and Facility Enhancements					
U87 055-402	Tobacco Settlement	\$	673,797	\$	723,797	71207
	Oversight, Administration, and Enforcement					
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$	1,293,797	\$	723,797 <u>4,073,797</u>	71208
TOTAL ALL BUDGET FUND GROUPS		\$	1,293,797	\$	723,797 <u>4,073,797</u>	71209 71210

Section 605.24. That existing Section 203.20 of Sub S.B. 321 of the 126th General Assembly is hereby repealed. 71212
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Section 621.05. That Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 66 of the 126th General Assembly, be amended to read as follows: 71214
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Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 5112.19, 5112.21, and 5112.99 of the Revised Code are hereby repealed, effective October 16, ~~2007~~ 2009. 71217
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(B) Any money remaining in the Legislative Budget Services Fund on October 16, ~~2007~~ 2009, the date that section 5112.19 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5112.19 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former 71221
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section 5112.19 of the Revised Code is repealed under division (A) 71227
of this section, the fund shall cease to exist. 71228

Section 621.06. That existing Section 153 of Am. Sub. H.B. 71229
117 of the 121st General Assembly, as most recently amended by Am. 71230
Sub. H.B. 66 of the 126th General Assembly, is hereby repealed. 71231

Section 631.04. That Section 3 of Am. Sub. H.B. 694 of the 71232
126th General Assembly is hereby repealed. 71233

Section 631.05. The amendments to sections 3517.13 and 71234
3517.992 of the Revised Code by Am. Sub. H.B. 694 of the 126th 71235
General Assembly shall apply only to contributions made on or 71236
after January 1, 2007. 71237

Section 703.10. The Governor's Office of Faith-Based and 71238
Community Initiatives, with the assistance of the Advisory Board 71239
of the Governor's Office of Faith-Based and Community Initiatives, 71240
shall conduct a study of the feasibility and advisability of the 71241
Office becoming a private nonprofit entity rather than a part of 71242
the Governor's office. The study and any resulting recommendations 71243
shall be submitted, not later than July 1, 2008, to the Governor, 71244
the Speaker of the House of Representatives, the President of the 71245
Senate, and the Minority Leaders of the House of Representatives 71246
and the Senate. 71247

Section 706.03. (A) As used in this section, "appointing 71248
authority" has the same meaning as in section 124.01 of the 71249
Revised Code, and "exempt employee" has the same meaning as in 71250
section 124.152 of the Revised Code. 71251

(B) Notwithstanding section 124.181 of the Revised Code, both 71252
of the following apply: 71253

(1) In cases where no vacancy exists, an appointing authority 71254

may, with the written consent of an exempt employee, assign duties 71255
of a higher classification to that exempt employee for a period of 71256
time not to exceed two years, and that exempt employee shall 71257
receive compensation at a rate commensurate with the duties of the 71258
higher classification. 71259

(2) If necessary, exempt employees who are assigned to duties 71260
within their agency to maintain operations during the Ohio 71261
Administrative Knowledge System (OAKS) implementation may agree to 71262
a temporary assignment that exceeds the two-year limit. 71263

Section 737.10. (A) Notwithstanding any provision of law to 71264
the contrary, the Public Health Council shall rescind rules 71265
adopted by the Council under section 3718.02 of the Revised Code, 71266
as it existed prior to its repeal by this act, that took effect on 71267
January 1, 2007. At the same time as those rules are rescinded, 71268
the Council shall adopt rules that are identical to the rules 71269
adopted by the Council that were in effect prior to January 1, 71270
2007, and were codified in Chapter 3701-29 of the Administrative 71271
Code. 71272

(B) The rescission and adoption of rules under division (A) 71273
of this section are not subject to section 119.03 of the Revised 71274
Code. However, the Public Health Council shall file the rules in 71275
accordance with section 119.04 of the Revised Code. Upon that 71276
filing, the rules take immediate effect. 71277

Section 739.10. Section 3905.36 of the Revised Code is 71278
amended by this act for the purpose of clarifying the intent of 71279
the 126th General Assembly when it amended division (B)(4) of 71280
section 3905.36 of the Revised Code. Notwithstanding any provision 71281
of section 3905.36 of the Revised Code to the contrary, all 71282
agencies and departments of the state or any political subdivision 71283
shall apply the legislative intent from this amendment as of 71284

January 1, 2007.	71285
Section 747.10. (A) There is hereby created the Nursing Education Study Committee consisting of the following members:	71286 71287
(1) Two members of the House of Representatives who are members of the same political party as the Speaker of the House of Representatives, to be appointed by the Speaker of the House of Representatives;	71288 71289 71290 71291
(2) One member of the House of Representatives who is a member of the largest political party of which the Speaker of the House of Representatives is not a member, to be appointed by the Speaker of the House of Representatives;	71292 71293 71294 71295
(3) Two members of the Senate who are members of the same political party as the President of the Senate, to be appointed by the President of the Senate, one of whom shall be designated as the temporary chairperson of the Committee;	71296 71297 71298 71299
(4) One member of the Senate who is a member of the largest political party of which the President of the Senate is not a member, to be appointed by the President of the Senate;	71300 71301 71302
(5) One member of the Ohio Nurses Association, to be appointed by the Ohio Nurses Association;	71303 71304
(6) One member of the Licensed Practical Nurse Association of Ohio, to be appointed by the Licensed Practical Nurse Association of Ohio;	71305 71306 71307
(7) One member of the Ohio Board of Nursing, to be appointed by the Ohio Board of Nursing;	71308 71309
(8) One member of the Ohio Board of Regents, to be appointed by the Ohio Board of Regents;	71310 71311
(9) One member of the Ohio Hospital Association, to be appointed by the Ohio Hospital Association;	71312 71313

(10) One member of the Ohio Association of Community Health Agencies, to be appointed by the Ohio Association of Community Health Agencies; 71314
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(11) One nursing educator from an associate degree nursing program, to be appointed by the Speaker of the House of Representatives; 71317
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(12) One nursing educator from a baccalaureate degree nursing program, to be appointed by the Speaker of the House of Representatives; 71320
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(13) One nursing educator from a graduate degree nursing program, to be appointed by the Speaker of the House of Representatives; 71323
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(14) One nursing educator from a private university with a nursing education program, to be appointed by the President of the Senate; 71326
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(15) One nursing educator from a state university with a nursing education program, to be appointed by the President of the Senate. 71329
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(B) Appointments to the Committee shall be made not later than September 1, 2007. Members of the Committee shall serve without compensation. 71332
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(C) The member of the Committee designated as the temporary chairperson shall call the initial meeting of the Committee. At that initial meeting, the Committee shall elect a chairperson, by majority vote, from among its members. Thereafter, the chairperson shall call meetings as the chairperson considers necessary for the Committee to carry out its duties. 71335
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(D)(1) The Committee shall study the current nurse faculty shortage and the shortage of clinical placement sites for nursing education programs, with a focus on the critical needs of nursing 71341
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faculty at Ohio's institutions of higher education and 71344
alternatives to clinical placement sites. 71345

(2) In conducting the study required under division (D)(1) of 71346
this section, the Committee shall consider, but is not limited to, 71347
all of the following: 71348

(a) Salary disparities for nursing faculty members as 71349
compared to faculty members in other disciplines and as compared 71350
to salaries for master's degree-prepared nurses in health care 71351
settings; 71352

(b) The feasibility and financial implications of providing a 71353
refundable state income tax credit to nursing faculty members for 71354
a specified limited period of time; 71355

(c) The feasibility and financial implications of providing 71356
assistantships at a stipend level to nurses pursuing master's 71357
degrees doctoral study who agree to become nursing faculty members 71358
in Ohio; 71359

(d) The extent to which clinical simulation devices could be 71360
used to decrease the number of hours nursing students are required 71361
to spend providing care directly to patients in a clinical 71362
setting, including the portion of clinical hours that could be 71363
obtained in a clinical simulation laboratory; 71364

(e) The disparity in the number of clinical hours students 71365
are required to complete in Ohio nursing education programs; 71366

(f) The extent to which nursing education programs are 71367
adequately preparing nurses to provide care in community or public 71368
health settings, particularly to the geriatric population; 71369

(g) Ways in which nurses may be more effectively utilized to 71370
train or educate health care workers providing care in community 71371
or public health settings. 71372

(3) Not later than December 31, 2008, the Committee shall 71373

prepare and submit a report to the General Assembly that focuses 71374
on the following topics and also includes a recommendation for a 71375
range of clinical hours nursing students shall be required to 71376
complete to assure adequate practice experience: 71377

(a) Strategies to produce more nursing faculty; 71378

(b) Ways to address the issue of insufficient clinical 71379
placement opportunities. 71380

Upon submission of the report, the Committee shall cease to 71381
exist. 71382

(E) Sections 101.82 to 101.87 of the Revised Code do not 71383
apply to the Committee. 71384

Section 749.10. Consistent with divisions (A)(6) to (A)(8) of 71385
section 4927.02 of the Revised Code, the Public Utilities 71386
Commission shall establish a study mechanism to make 71387
recommendations for a competitively neutral telecommunications 71388
relay service funding program for costs incurred in calendar year 71389
2009 and thereafter and submit the recommendations to the General 71390
Assembly by January 1, 2009. 71391

Section 751.10. The director of job and family services and 71392
the director of development jointly shall prepare a plan to 71393
utilize the funds the state receives to administer the federal 71394
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, 71395
as amended, to train workers within this state and jointly shall 71396
submit that plan to the Governor, the President of the Senate, and 71397
the Speaker of the House of Representatives within one year after 71398
the effective date of this section. 71399

Section 753.10. The duties of an owner of residential rental 71400
property to comply with and of a county auditor to accept 71401
compliance with sections 5323.01, 5323.02, 5323.03, 5323.04, and 71402

5323.99 of the Revised Code in a county are tolled until the board 71403
of county commissioners adopts a resolution under the first 71404
paragraph of section 5323.011 of the Revised Code. 71405

Section 753.20. (A) The staff of the Legislative Service 71406
Commission shall study the feasibility and potential results of 71407
the state's offering incentives for local entities, including 71408
municipal corporations, counties, townships, local historical 71409
societies, and regional authorities, to assume control of state 71410
historical sites. The incentives to be studied shall include the 71411
establishment of tax credits, the contribution of capital dollars, 71412
and the creation of an endowment-matching program. 71413

The study shall focus on the cost and funding aspects of the 71414
incentives that are studied. In addition, the study shall attempt 71415
to determine the potential results of providing each incentive at 71416
varying levels. 71417

(B) Not later than six months after the effective date of 71418
this section, the staff of the Commission shall report its 71419
findings to the Commission. 71420

Section 753.30. (A) The Governor is hereby authorized to 71421
execute a deed in the name of the state conveying to the City of 71422
Columbus, and its successors and assigns, all of the state's 71423
right, title, and interest in real estate consisting of 71424
approximately 13 acres in Franklin Township of Franklin County, 71425
being part of or near the former Training Institution Central 71426
Ohio, together with any perpetual easements of access over certain 71427
existing or future driveways, the real estate being more 71428
particularly described as follows: 71429

Situated in the State of Ohio, County of Franklin, City of 71430
Columbus, Township 5 North, Range 23 West and in the Virginia 71431
Military District. Being a part of the State of Ohio original 71432

300-acre tract of record in Deed Book 101, page 390 of the 71433
Recorder's Records, Franklin County, Ohio, and being more 71434
particularly described as follows: 71435

Beginning, For Reference, at an iron pin with identification 71436
cap stamped "Patridge" found marking the intersection of the 71437
easterly line of the Wheatland Avenue 40-foot-wide Right-of-Way 71438
and the Northerly line of West Broad Street 80-foot-wide 71439
Right-of-Way; 71440

thence North 5°12'48" West 2612.22 feet, in said easterly line of 71441
Wheatland Avenue and vacated Wheatland Avenue, to a 5/8-inch 71442
reinforcing rod found; 71443

thence South 75°43'06" East 188.42 feet, to an iron pipe set 71444
marking the Place of Beginning of the tract herein described; 71445

thence North 5°02'11" West 384.70 feet, to an iron pipe set; 71446

thence North 67°03'42" East 118.78 feet, to an iron pipe set; 71447

thence North 74°42'07" East 230.99 feet, to an iron pipe set; 71448

thence North 79°39'53" East 191.19 feet, to a 5/8-inch reinforcing 71449
rod found marking the most easterly corner of the Gang of Four, 71450
Ltd. 5.254-acre tract of record in Instrument Number 71451

199902040029850 of said Recorder's Records, in a northerly line of 71452
said 300-acre tract and a Point of Tangency in the original 71453
southerly line of the Camp Chase Industrial Railroad Corporation 71454
Tract of record in Official Record 28363 F03 of said Recorder's 71455
Records; 71456

thence North 86°38'37" East 383.75 feet, in a southerly line of 71457
said Camp Chase Railroad tract and in a northerly line of said 71458
300-acre tract, to an iron pipe set; 71459

thence South 04°38'21" West 694.64 feet, to an iron pipe set; 71460

thence South 75°43'06" East 174.01 feet, to an iron pipe set; 71461

thence North 89°32'10" East 521.90 feet, to an iron pipe set; 71462

thence South 85°04'20" East 161.72 feet, to an iron pipe set; 71463
thence South 14°52'48" East 63.77 feet, to a spike set; 71464
thence North 85°04'20" West 180.51 feet, to an iron pipe set; 71465
thence South 89°32'10" West 526.84 feet, to an iron pipe set; 71466
thence North 75°43'06" West 1005.86 feet, to the Place of 71467
Beginning containing 12.997 acres, more or less. 71468

This description is based on a field survey in April and May of 71469
2007 by Gary L. Elswick, Professional Surveyor #6395. Iron pipes 71470
set are ¾-inch ID galvanized pipe with identification cap stamped 71471
"HOCKADEN". Bearings are assumed and for the determination of 71472
angles only. 71473

This description may be modified to a final form if 71474
modifications are needed. 71475

(B)(1) Consideration for the conveyance of the real estate is 71476
the purchase price of \$194,955.00. 71477

(2) The State may also require additional consideration for 71478
any perpetual easement needed by the City of Columbus to access 71479
the real estate. The consideration shall be a price mutually 71480
agreed upon between the City of Columbus and the state. 71481

(C)(1) The conveyance of the real estate is subject to the 71482
following conditions and restrictions: 71483

(a) The City of Columbus and its successors and assigns shall 71484
receive written approval from the state to use or develop the real 71485
estate for any purpose other than a police heliport or uses or 71486
developments incident thereto. 71487

(b) The City of Columbus shall, prior to selling, conveying, 71488
or transferring ownership of the real estate, first offer the 71489
state the right to purchase the real estate at a price not less 71490
than fair market value as appraised by a disinterested party. 71491

(2) The conveyance may be subject to conditions and 71492
restrictions that have been determined necessary by the Director 71493
of Administrative Services to assure there is no interference with 71494
state uses on state-owned real estate that adjoins the real estate 71495
conveyed. 71496

(D) Upon payment of the purchase price, the Auditor of State, 71497
with the assistance of the Attorney General, shall prepare a deed 71498
to the real estate. The deed shall state the consideration and the 71499
conditions and restrictions. The deed shall be executed by the 71500
Governor in the name of the state, shall be countersigned by the 71501
Secretary of State, shall be sealed with the Great Seal of the 71502
State, shall be presented for recording in the Office of the 71503
Auditor of State, and shall be delivered to the City of Columbus. 71504
The City of Columbus shall present the deed for recording in the 71505
Office of the Franklin County Recorder. 71506

(E) The City of Columbus shall pay the costs of the 71507
conveyance. 71508

(F) This section expires one year after its effective date. 71509

Section 753.40. (A) The Governor is hereby authorized to 71510
execute a deed in the name of the state conveying to the City of 71511
Celina the state's right of reverter retained in the conveyance 71512
authorized in Am. H.B. 823 of the 112th General Assembly in the 71513
following described real estate: 71514

Being a parcel of land situated in the City of Celina, 71515
Jefferson Township, Mercer County, Ohio, and in the northwest 71516
quarter of Section 6, Township 6 South, Range 3 East, being more 71517
particularly described as follows: 71518

Commencing at an iron pin with cap set at the most southern 71519
point of lot number 6 of Dickman's Addition (Plat Book 2, Page 3) 71520
in the City of Celina; 71521

thence N 68°42'59" W, 20.00 feet along the south line of said 71522
Dickman's Addition to an iron pin with cap set as the Point of 71523
Beginning; 71524

thence S 57°41'29" W, 210.06 feet to an iron pin with cap 71525
set; 71526

thence N 46°02'00" W, 214.80 feet to an iron pin with cap 71527
set; 71528

thence S 73°50'04" E, 102.64 feet along the south line of 71529
said Dickman's Addition to an iron pin with cap set; 71530

thence N 75°48'13" E, 132.78 feet along the south line of 71531
said Dickman's Addition to an iron pin with cap set; 71532

thence S 68°42'59" E, 112.51 feet along the south line of 71533
said Dickman's Addition to the Point of Beginning, containing 71534
0.535 acres of land more or less, subject to all valid easements 71535
and right-of-way. 71536

All bearings were calculated from angles turned in an actual 71537
field survey by Kent B. Marbaugh, Registered Surveyor #7421, dated 71538
April 16, 2007, on file in the County Engineer's Office. 71539

The state retains its right of reverter for the remainder of 71540
the real estate conveyed pursuant to that act. 71541

(B) Consideration for conveyance of the right of reverter is 71542
the mutual benefit accruing to the state and to the City of Celina 71543
from the reconfiguration of the entrance to the city park located 71544
on the real estate conveyed in Am. H.B. 823 of the 112th General 71545
Assembly. 71546

(C) The Auditor of State, with the assistance of the Attorney 71547
General, shall prepare a deed to the real estate conveying the 71548
right of reverter. The deed shall state the consideration. The 71549
deed shall be executed by the Governor in the name of the state, 71550
countersigned by the Secretary of State, sealed with the great 71551

seal of the state, presented in the office of the Auditor of State 71552
for recording, and delivered to the City of Celina. The City of 71553
Celina shall present the deed for recording in the office of the 71554
Mercer County Recorder. 71555

(D) This section expires four years after its effective date. 71556

***Section 755.03.** The Director of Transportation may conduct a 71557
twelve-month pilot project to be completed not later than June 30, 71558
2009, for energy price risk management by entering into a contract 71559
with a qualified provider of energy risk management services. The 71560
contract may include rate analysis, negotiation services, market 71561
and regulatory analysis, budget and financial analysis, and 71562
mitigation strategies for volatile energy sources, including 71563
natural gas, gasoline, oil, and diesel fuel, but shall not include 71564
energy procurement and shall not subject more than thirty per cent 71565
of the Department's annual energy needs to the risk management 71566
services. The Director shall select the energy risk management 71567
services provider through a qualifications-based selection 71568
process, subject to Controlling Board approval. The contract shall 71569
specify that the Department may share the analysis and services of 71570
the energy risk management services provider with all state 71571
agencies and operations. The Director may use revenues from the 71572
state motor vehicle fuel tax or other funds appropriated by the 71573
General Assembly for the pilot project to pay amounts due under 71574
the contract and shall deposit any amounts received under the 71575
contract into the Highway Operating Fund created under section 71576
5735.291 of the Revised Code. 71577

Section 757.01. Every two years during biennial budget 71578
deliberations, the Tax Commissioner shall review the percentage of 71579
the total price of electricity that is indicated under division 71580
(C)(2) of section 5727.81 of the Revised Code, as amended by this 71581
act. Such review shall include a consideration of the fluctuations 71582

in the price of electricity that have occurred in the most recent 71583
two fiscal years and other factors influencing the economy of the 71584
state. 71585

Section 757.03. (A) Beginning in July 2007 and ending in 71586
November 2007, on or before the seventh day of each month, the Tax 71587
Commissioner shall determine and certify to the Director of Budget 71588
and Management the amount to be credited from each tax source 71589
under divisions (B), (C), and (D) of this section to the Local 71590
Government Fund, the Library and Local Government Support Fund, 71591
and the Local Government Revenue Assistance Fund. 71592

(B) Notwithstanding sections 5727.45, 5727.84, 5733.12, 71593
5739.21, 5741.03, and 5747.03 of the Revised Code or any other 71594
provision of law to the contrary, for each month in the period 71595
beginning July 1, 2007, and ending November 30, 2007, tax revenues 71596
credited to the Local Government Fund, the Library and Local 71597
Government Support Fund, and the Local Government Revenue 71598
Assistance Fund under those sections shall instead be credited as 71599
follows: 71600

(1) An amount shall first be credited to the Local Government 71601
Fund as prescribed under division (C) of this section; 71602

(2) An amount shall next be credited to the Local Government 71603
Revenue Assistance Fund as prescribed under division (C) of this 71604
section; 71605

(3) An amount shall next be credited to the Library and Local 71606
Government Support Fund as prescribed under division (D) of this 71607
section. 71608

(C) Receipts from the corporation franchise, sales and use, 71609
public utility excise, kilowatt-hour, and personal income taxes 71610
shall be credited to the Local Government Fund and the Local 71611
Government Revenue Assistance Fund as follows: 71612

(1) In July 2007, the amount that was credited in July 2006;	71613
(2) In August 2007, the amount that was credited in August 2006;	71614 71615
(3) In September 2007, the amount that was credited in September 2006;	71616 71617
(4) In October 2007, the amount that was credited in October 2006;	71618 71619
(5) In November 2007, the amount that was credited in November 2006.	71620 71621
(D) Receipts from the personal income tax shall be credited to the Library and Local Government Support Fund as follows:	71622 71623
(1) In July 2007, the amount that was credited in July 2006;	71624
(2) In August 2007, the amount that was credited in August 2006;	71625 71626
(3) In September 2007, the amount that was credited in September 2006;	71627 71628
(4) In October 2007, the amount that was credited in October 2006;	71629 71630
(5) In November 2007, the amount that was credited in November 2006.	71631 71632
(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.	71633 71634 71635 71636 71637 71638 71639 71640 71641

(2) 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 are less than 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 increased accordingly.

(F) The total amount credited each month under this section to the Local Government Fund, the Library and Local Government Support Fund, and the Local Government Revenue Assistance Fund shall be distributed on or before the tenth day of the immediately succeeding month as follows:

(1) Each county undivided Local Government Fund shall receive a distribution from the Local Government Fund that is based upon its proportionate share of the total amount received by it from the fund in the same month during the preceding calendar year.

(2) Each municipal corporation receiving a direct distribution from the Local Government Fund shall receive a distribution that is based upon its proportionate share of the total amount received by it from the fund in the same month during the preceding calendar year.

(3) Each county undivided Local Government Revenue Assistance Fund shall receive a distribution from the Local Government Revenue Assistance Fund that is based upon its proportionate share of the total amount received by it from the fund in the same month during the preceding calendar year.

(4) Each county undivided Library and Local Government Support Fund shall receive a distribution from the Library and Local Government Support Fund that is based upon its proportionate

share of the total amount received by it from the fund in the same 71673
month during the preceding calendar year. 71674

(G) Distributions shall not be made in accordance with 71675
sections 5747.47 and 5747.50 of the Revised Code until January 1, 71676
2008. 71677

(H) Notwithstanding section 5747.47 of the Revised Code, the 71678
Tax Commissioner is not required to issue the certification 71679
required by that section to be made in December 2007 for calendar 71680
year 2007. The Tax Commissioner may, as the Commissioner considers 71681
appropriate, provide to each county auditor additional revised 71682
estimates or other information relating to distributions in 2007, 71683
2008, or 2009 at any time during the period beginning July 1, 71684
2007, and ending June 30, 2009. 71685

(I)(1) Notwithstanding division (A) of section 131.51 of the 71686
Revised Code, on or before January 5, 2008, the Director of Budget 71687
and Management shall credit to the Local Government Fund an amount 71688
equal to three and sixty-eight one-hundredths per cent of total 71689
tax revenues credited to the General Revenue Fund during December 71690
2007. In determining the total tax revenues credited to the 71691
General Revenue Fund during that month, transfers made from the 71692
General Revenue Fund during that month to the Local Government 71693
Fund, the Local Government Revenue Assistance Fund, and the 71694
Library and Local Government Support Fund shall be disregarded. 71695
Moneys credited to the Local Government Fund under division (I)(1) 71696
of this section shall be distributed in January 2008 in accordance 71697
with section 5747.50 of the Revised Code. 71698

(2) Notwithstanding division (B) of section 131.51 of the 71699
Revised Code, on or before January 5, 2008, the Director of Budget 71700
and Management shall credit to the Library and Local Government 71701
Support Fund an amount equal to two and twenty-two one-hundredths 71702
per cent of total tax revenues credited to the General Revenue 71703
Fund during December 2007. In determining the total tax revenues 71704

credited to the General Revenue Fund during that month, transfers 71705
made from the General Revenue Fund during that month to the Local 71706
Government Fund, the Local Government Revenue Assistance Fund, and 71707
the Library and Local Government Support Fund shall be 71708
disregarded. Moneys credited to the Library and Local Government 71709
Support Fund under division (I)(2) of this section shall be 71710
distributed in January 2008 in accordance with section 5747.47 of 71711
the Revised Code. 71712

Section 757.04. Notwithstanding sections 5747.46 and 5747.47 71713
of the Revised Code or any other provision of law to the contrary, 71714
a county's actual Library and Local Government Support Fund total 71715
entitlement for the 2007 distribution year shall equal the amount 71716
that was distributed to the county's Library and Local Government 71717
Support Fund from the Library and Local Government Support Fund 71718
during the 2007 calendar year. Each county's resulting calendar 71719
year 2007 Library and Local Government Support Fund entitlement 71720
shall be used by the Tax Commissioner for purposes of determining 71721
the guaranteed share of the Library and Local Government Support 71722
Fund in section 5747.46 of the Revised Code for the 2008 71723
distribution year and shall be used by the Commissioner in making: 71724

(A) The calendar year 2008 estimated entitlements of the 71725
Library and Local Government Support Fund required by section 71726
5747.47 of the Revised Code to be certified to county auditors in 71727
July 2007, December 2007, and June 2008; and 71728

(B) The calendar year 2008 actual Library and Local 71729
Government Support Fund entitlement computations required by 71730
section 5747.47 of the Revised Code to be certified to county 71731
auditors in December 2008. 71732

Section 757.05. The General Assembly recognizes that some 71733
qualifying taxpayers are authorized to claim the credit against 71734

the commercial activity tax under section 5751.53 of the Revised Code for disallowed Ohio net operating loss deductions, and that some qualifying taxpayers are not authorized to claim that credit as that section currently exists, depending on whether the taxpayer was able to record deferred tax items on its books and records and comply with the requirements of division (D) of that section. The General Assembly further recognizes that the credits authorized under section 5751.53 of the Revised Code may not be claimed until 2010. Therefore, the General Assembly declares that it intends to consider, in consultation with the Governor, whether eligibility to claim the credit by qualifying taxpayers shall be modified before the initial credit may be claimed in 2010, with a view to extending eligibility to qualifying taxpayers not able to claim the credits under the terms of that section as it currently exists.

Any term used in this section has the same meaning as in section 5751.53 of the Revised Code.

Section 757.06. As used in this section, "electric company tax value loss" has the same meaning as in section 5727.84 of the Revised Code.

The amendment by this act of division (D) of section 5727.84 of the Revised Code is remedial in nature. The Tax Commissioner shall determine the amount of any additional electric company tax value loss resulting from that amendment. Notwithstanding the deadlines prescribed in sections 5727.84, 5727.85, and 5727.86 of the Revised Code to the contrary, the Tax Commissioner and the Department of Education shall perform all of the computations and make all of the certifications and payments described in those sections in connection with any additional electric company tax value loss resulting from division (D)(4) of section 5727.84 of the Revised Code, as amended by this act.

Section 757.07. For tax years 2007 and thereafter, telephone, 71766
telegraph, and interexchange telecommunications companies, as 71767
defined in section 5727.01 of the Revised Code, shall list taxable 71768
property at the percentage of true value required in Chapter 5711. 71769
of the Revised Code. For purposes of assigning taxable valuation 71770
to each taxing district for those years, the Tax Commissioner 71771
shall continue to use the apportionment provisions of Chapter 71772
5727. of the Revised Code. However, such property shall be listed 71773
by the county auditor and certified to the county treasurer for 71774
collection under the provisions applicable to the general tax list 71775
of personal property and not upon the tax list and duplicate of 71776
real and public utility personal property. 71777

Section 757.08. Resolutions adopted by a board of township 71778
trustees of a limited home rule township pursuant to Chapter 504. 71779
and section 5709.73 of the Revised Code in December 2005 are 71780
hereby deemed to have had an immediate effective date if the board 71781
unanimously adopts a resolution so declaring. This section applies 71782
to applications for exemption under section 5709.73 of the Revised 71783
Code pending before the Tax Commissioner on the effective date of 71784
this section and to such applications filed or refiled within 90 71785
days after that effective date. 71786

Section 757.10. The Office of Information Technology, in 71787
conjunction with the Department of Taxation, may acquire the State 71788
Taxation Accounting and Revenue System (STARS) pursuant to Chapter 71789
125. of the Revised Code, including, but not limited to, the 71790
application software and installation and implementation thereof, 71791
for the use of the Department of Taxation. STARS is an integrated 71792
tax collection and audit system that will replace all of the 71793
state's existing separate tax software and administration systems 71794
for the various taxes collected by the state. Any lease-purchase 71795

arrangement used under Chapter 125. of the Revised Code to acquire 71796
STARS, including any fractionalized interests therein as defined 71797
in division (N) of section 133.01 of the Revised Code, must 71798
provide that at the end of the lease period, STARS becomes the 71799
property of the state. 71800

Section 757.20. (A) As used in this section, "zoned 71801
commercial or industrial area" means a nonagricultural area that 71802
is reserved for business, commerce, or trade pursuant to local 71803
zoning law or state law. 71804

(B) The board of directors of the Muskingum Watershed 71805
Conservancy District shall prepare written notification of the 71806
maintenance assessment to be levied by the District under section 71807
6111.53 of the Revised Code that is scheduled to begin collection 71808
in calendar year 2008. The notification shall include a statement 71809
that the District intends to levy the maintenance assessment and 71810
shall include, with respect to each person to whom notification is 71811
required to be sent under division (C) of this section, an 71812
indication of the amount of the maintenance assessment that is 71813
applicable to that person. 71814

(C) The board of directors of the Muskingum Watershed 71815
Conservancy District shall cause to be sent by United States mail 71816
the notification of the maintenance assessment that is required in 71817
division (B) of this section to each person who owns property 71818
within the territorial boundaries of the district that is located 71819
within a zoned commercial or industrial area. The notification 71820
shall be sent not later than one hundred twenty days prior to the 71821
date on which the maintenance assessment is scheduled to begin 71822
collection. 71823

Section 803.03. The amendment by this act of sections 71824
3119.022, 3119.023, 3119.29, and 3119.30 of the Revised Code first 71825

applies on February 1, 2008, or on the effective date of 71826
regulations defining "reasonable cost" issued by the United States 71827
Secretary of Health and Human Services, whichever is later. 71828

Section 803.06. The amendments by this act to sections 71829
323.151, 323.152, 323.153, and 323.154 of the Revised Code are 71830
first effective for tax year 2007, and the following provisions 71831
shall apply: 71832

(A) Notwithstanding the filing deadlines set forth in 71833
sections 323.153 and 4503.066 of the Revised Code, original 71834
applications requesting reductions pursuant to division (A) of 71835
section 323.152 or section 4503.065 of the Revised Code may be 71836
filed not later than October 1, 2007. Notwithstanding the 71837
deadlines set forth in division (A) of section 323.153 of the 71838
Revised Code for homesteads in a housing cooperative, not later 71839
than August 1, 2007, the nonprofit corporation that owns and 71840
operates the housing cooperative shall obtain original 71841
applications from the county auditor and provide one to each 71842
occupant in the cooperative. Not later than September 1, 2007, any 71843
occupant who may be eligible for the reduction in taxes under 71844
division (A) of section 323.152 of the Revised Code shall submit 71845
the completed application to the corporation. Not later than 71846
October 1, 2007, the corporation shall file all completed 71847
applications and the information required by division (B) of 71848
section 323.159 of the Revised Code with the county auditor of the 71849
county in which the occupants' homesteads are located. 71850

(B) Notwithstanding the deadlines set forth in sections 71851
323.154 and 4503.067 of the Revised Code, for applications filed 71852
pursuant to division (A) of section 323.152 of the Revised Code 71853
for tax year 2007, if the application requesting the reduction 71854
under division (A) of section 323.152 or section 4503.065 of the 71855
Revised Code is not approved or the county auditor otherwise 71856

determines that the homestead does not qualify for a reduction in 71857
taxes, the auditor's deadline to notify the applicant of the 71858
reasons for such denial shall be extended to November 1, 2007. 71859

Section 803.07. The amendment by this act of sections 5711.01 71860
and 5727.06 of the Revised Code applies to telephone, telegraph, 71861
or interexchange telecommunications companies, as defined in 71862
section 5727.01 of the Revised Code, for tax year 2007 and 71863
thereafter. 71864

Section 803.09. The amendment or enactment by this act of 71865
section 4505.06, division (B)(23) of section 5739.02, and sections 71866
5739.029, 5739.033, and 5739.213 of the Revised Code apply to 71867
sales described in division (A) of section 5739.029 of the Revised 71868
Code on or after August 1, 2007. 71869

Section 803.12. Section 5705.214 of the Revised Code, as 71870
amended by this act, applies to any question submitted by a school 71871
district under section 5748.02, 5748.021, or 5748.08 of the 71872
Revised Code at an election held August 7, 2007, notwithstanding 71873
division (D) of section 5748.02, section 5748.021, or division (I) 71874
of section 5748.08 of the Revised Code as those divisions and that 71875
section existed prior to their amendment by this act. 71876

Section 806.03. The sections and items of law contained in 71877
this act, and their applications, are severable. If any section or 71878
item of law contained in this act, or if any application of any 71879
section or item of law contained in this act, is held invalid, the 71880
invalidity does not affect other sections or items of law 71881
contained in this act and their applications that can be given 71882
effect without the invalid section or item of law or application. 71883

Section 809.03. An item of law, other than an amending, 71884

enacting, or repealing clause, that composes the whole or part of 71885
an uncodified section contained in this act has no effect after 71886
June 30, 2009, unless its context clearly indicates otherwise. 71887

Section 812.03. Except as otherwise specifically provided in 71888
this act, the codified sections of law amended or enacted in this 71889
act, and the items of law of which the codified sections of law 71890
amended or enacted in this act are composed, are subject to the 71891
referendum. Therefore, under Ohio Constitution, Article II, 71892
Section 1c and section 1.471 of the Revised Code, the codified 71893
sections of law amended or enacted by this act, and the items of 71894
law of which the codified sections of law as amended or enacted by 71895
this act are composed, take effect on the ninety-first day after 71896
this act is filed with the Secretary of State. If, however, a 71897
referendum petition is filed against any such codified section of 71898
law as amended or enacted by this act, or against any item of law 71899
of which any such codified section of law as amended or enacted by 71900
this act is composed, the codified section of law as amended or 71901
enacted, or item of law, unless rejected at the referendum, takes 71902
effect at the earliest time permitted by law. 71903

Section 812.06. Except as otherwise specifically provided in 71904
this act, the repeal by this act of a codified section of law is 71905
subject to the referendum. Therefore, under Ohio Constitution, 71906
Article II, Section 1c and section 1.471 of the Revised Code, the 71907
repeal by this act of a codified section of law takes effect on 71908
the ninety-first day after this act is filed with the Secretary of 71909
State. If, however, a referendum petition is filed against any 71910
such repeal, the repeal, unless rejected at the referendum, takes 71911
effect at the earliest time permitted by law. 71912

Section 812.12. Uncodified sections of law amended or enacted 71913
in this act, and items of law contained within the uncodified 71914

sections of law amended or enacted in this act, that are marked 71915
with an asterisk are subject to the referendum. Therefore, under 71916
Ohio Constitution, Article II, Section 1c and section 1.471 of the 71917
Revised Code, the uncodified sections and items of law marked with 71918
an asterisk take effect on the ninety-first day after this act is 71919
filed with the Secretary of State. If, however, a referendum 71920
petition is filed against an uncodified section or item of law 71921
marked with an asterisk, the uncodified section or item of law 71922
marked with an asterisk, unless rejected at the referendum, takes 71923
effect at the earliest time permitted by law. 71924

If the amending and existing repeal clauses commanding the 71925
amendment of an uncodified section of law are both marked with 71926
asterisks, the uncodified section as amended is deemed also to 71927
have been marked with an asterisk. 71928

An asterisk marking an uncodified section or item of law has 71929
the form*. 71930

This section defines the meaning and form of, but is not 71931
itself to be considered marked with, an asterisk. 71932

Section 815.03. The sections of law amended or enacted by 71933
this act that are listed in this section, and the items of law of 71934
which such sections as amended or enacted by this act are 71935
composed, are not subject to the referendum. Therefore, under Ohio 71936
Constitution, Article II, Section 1d and section 1.471 of the 71937
Revised Code, such sections as amended or enacted by this act, and 71938
the items of law of which such sections as amended or enacted by 71939
this act are composed, go into immediate effect when this act 71940
becomes law. 71941

Sections 109.57, 117.11, 117.112, 122.051, 122.071, 122.076, 71942
122.17, 122.171, 122.174, 122.602, 124.152, 126.16, 126.24, 71943
126.40, 127.16, 173.35, 183.01, 183.021, 183.17, 183.33, 183.34, 71944
183.35, 183.51, 183.52, 1503.05, 1713.031, 2927.023, 3109.04, 71945

3109.041, 3119.022, 3119.023, 3119.29, 3119.30, 3301.0711, 71946
3313.615, 3313.98, 3314.015, 3314.016, 3314.02, 3314.074, 3314.08, 71947
3314.087, 3314.088, 3314.19, 3317.01, 3317.012, 3317.013, 71948
3317.014, 3317.015, 3317.016, 3317.017, 3317.021, 3317.022, 71949
3317.023, 3317.024, 3317.025, 3317.029, 3317.0216, 3317.0217, 71950
3317.03, 3317.04, 3317.05, 3317.052, 3317.063, 3317.08, 3317.16, 71951
3317.20, 3317.201, 3318.12, 3333.38, 3333.55, 3333.60, 3333.61, 71952
3333.62, 3333.63, 3333.64, 3333.65, 3333.66, 3333.67, 3333.68, 71953
3333.69, 3333.70, 3345.32, 3365.01, 3701.135, 3702.68 (3702.59), 71954
3704.03, 3704.14, 3721.51, 3721.541, 3721.56, 3735.672, 4301.43, 71955
4503.10, 4513.263, 4723.621, 4723.63, 4723.64, 4723.65, 4723.66, 71956
4743.05, 4766.05, 4775.08, 5101.802, 5101.98, 5104.30, 5111.871, 71957
5111.8814, 5112.341, 5123.01, 5123.033, 5123.045, 5123.0414, 71958
5123.0415, 5123.051, 5123.16, 5123.161, 5123.162, 5123.163, 71959
5123.164, 5123.165, 5123.166, 5123.167, 5123.168, 5123.169, 71960
5123.19, 5123.196, 5123.198, 5123.20, 5123.211, 5123.38, 5123.41, 71961
5123.51, 5123.605, 5123.99, 5126.12, 5126.15, 5126.19, 5126.25, 71962
5126.40, 5126.42, 5126.43, 5126.45, 5126.47, 5709.68, 5711.01, 71963
5727.06, division (D) of section 5727.84, 5747.47, 5747.50, 71964
5747.501, 5747.51, 5747.54, 5751.21, 5907.15, 5907.16, and 71965
6111.0381 of the Revised Code. 71966

Section 815.06. The repeal by this act of the sections of law 71967
listed in this section is not subject to the referendum. 71968
Therefore, under Ohio Constitution, Article II, Section 1d and 71969
section 1.471 of the Revised Code, the repeals go into immediate 71970
effect when this act becomes law. 71971

Sections 183.02, 183.27, 183.32, 5123.16, 5123.182, 5123.199, 71972
5126.053, 5126.431, 5126.44, 5126.451, 5747.61, 5747.62, and 71973
5747.63 of the Revised Code. 71974

The version of section 3702.68 of the Revised Code that was 71975
scheduled to take effect July 1, 2007. 71976

Section 815.09. The sections of law amended, enacted, or repealed by this act that are listed in this section are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the sections as amended, enacted, or repealed, and the items of law of which as amended or enacted they are composed, go into effect as specified in this section.

Sections 126.04, 173.351, 173.401, 5101.27, 5101.272, 5111.89, 5111.891, 5111.894, 5123.047, 5123.048, 5123.049, 5123.0411, 5123.0416, 5126.054, 5126.056, 5126.059, 5126.0510, 5126.0512, and 5705.44 of the Revised Code take effect July 1, 2007.

The version of section 127.16 of the Revised Code that is scheduled to take effect July 1, 2007, takes effect July 1, 2007.

Sections 340.03 and 5119.611 of the Revised Code take effect July 1, 2007.

Sections 5727.45, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code and section 5727.84 of the Revised Code, except for division (D) of that section, take effect December 1, 2007.

Sections 131.44, 131.51, 5705.29, 5725.24, 5739.032, 5739.122, 5739.124, 5741.121, and 5741.122 of the Revised Code take effect January 1, 2008.

Section 815.12. Except as otherwise specifically provided in this act, the uncodified sections of law amended or enacted in this act, and the items of law of which the uncodified sections of law amended or enacted in this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the uncodified sections of law amended or enacted in this act, and the items of law of which the uncodified sections of laws amended or enacted in

this act are composed, go into immediate effect when this act becomes law. 72007
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Section 818.03. The amendment or enactment by this act of the sections of law listed in this section provides for or is essential to implementation of a tax levy. Therefore, under Ohio Constitution, Article II, Section 1d, the amendments and enactments, and the items of which they are composed, are not subject to the referendum and go into immediate effect when this act becomes law. 72009
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Sections 133.01, 305.31, 307.672, 319.202, 319.54, 322.01, 323.151, 323.152, 323.153, 323.154, 325.31, 4503.06, 4503.061, 4503.064, 4503.065, 4503.066, 4503.067, 4505.06, 5705.214, 5733.39, 5739.02, 5739.029, 5739.033, 5739.09, 5739.12, 5739.213, 5741.02, 5743.01, 5743.20, 5745.02, 5745.05, 5745.13, 5747.01, 5748.01, 5748.02, 5748.021, 5748.022, and 5751.23 of the Revised Code. 72016
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Section 818.09. The repeal by this act of section 5743.331 of the Revised Code provides for or is essential to the implementation of a tax levy. Therefore, under Ohio Constitution, Article II, Section 1d, the repeal is not subject to the referendum and goes into immediate effect when this act becomes law. 72023
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Section 821.06. (A) Except as otherwise provided in division (B) of this section, the amendments by this act to section 3317.02 of the Revised Code are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the amendments go into immediate effect. 72029
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(B) The amendment to section 3317.02 of the Revised Code that substitutes the term "state education aid" for the term "SF-3 payment" is subject to the referendum. Therefore, under Ohio 72034
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Constitution, Article II, Section 1c and section 1.471 of the 72037
Revised Code, the amendment takes effect on the ninety-first day 72038
after this act is filed with the Secretary of State. If, however, 72039
a referendum petition is filed against the amendment, the 72040
amendment, unless rejected at the referendum, takes effect at the 72041
earliest time permitted by law. 72042

Section 821.09. (A) Except as otherwise provided in division 72043
(B) of this section, the amendments to section 5111.014 of the 72044
Revised Code are subject to the referendum. Therefore, under Ohio 72045
Constitution, Article II, Section 1c and section 1.471 of the 72046
Revised Code, the amendments take effect January 1, 2008. If, 72047
however, a referendum petition is filed against the amendments, 72048
the amendments, unless rejected at the referendum, take effect at 72049
the earliest time permitted by law that is on or after the 72050
effective date specified in this division. 72051

(B) The amendments to division (A)(2) of section 5111.014 of 72052
the Revised Code that strike through "The" and insert "Subject to 72053
an executive order issued under section 5111.0120 of the Revised 72054
Code, the" take effect on the ninety-first day after this act is 72055
filed with the Secretary of State. If, however, a referendum 72056
petition is filed against the amendments, the amendments, unless 72057
rejected at the referendum, take effect at the earliest time 72058
permitted by law. 72059

Section 821.12. (A) Except as otherwise provided in division 72060
(B) of this section, the amendments by this act to section 5111.20 72061
of the Revised Code are subject to the referendum. Therefore, 72062
under Ohio Constitution, Article II, Section 1c and section 1.471 72063
of the Revised Code, the amendments take effect on the 72064
ninety-first day after this act is filed with the Secretary of 72065
State. If, however, a referendum petition is filed against the 72066
amendments, the amendments, unless rejected at the referendum, 72067

take effect at the earliest time permitted by law. 72068

(B) The amendment to division (H)(3)(a) of section 5111.20 of 72069
the Revised Code is not subject to the referendum. Therefore, 72070
under Ohio Constitution, Article II, Section 1d and section 1.471 72071
of the Revised Code, the amendment goes into immediate effect. 72072

Section 821.13. (A) Except as otherwise provided in division 72073
(B) of this section, the amendments by this act to section 72074
5126.046 of the Revised Code are not subject to the referendum. 72075
Therefore, under Ohio Constitution, Article II, Section 1d and 72076
section 1.471 of the Revised Code, the amendments go into 72077
immediate effect. 72078

(B) The amendments to division (A) and the third paragraph of 72079
division (B) of section 5126.046 of the Revised Code are not 72080
subject to the referendum. Therefore, under Ohio Constitution, 72081
Article II, Section 1d and section 1.471 of the Revised Code, the 72082
amendments take effect July 1, 2007. 72083

Section 821.15. (A) Except as otherwise provided in division 72084
(B) of this section, the amendments by this act to section 72085
5126.055 of the Revised Code are subject to the referendum. 72086
Therefore, under Ohio Constitution, Article II, Section 1c and 72087
section 1.471 of the Revised Code, the amendments take effect on 72088
the ninety-first day after this act is filed with the Secretary of 72089
State. If, however, a referendum petition is filed against the 72090
amendments, the amendments, unless rejected at the referendum, 72091
take effect at the earliest time permitted by law. 72092

(B) The amendment to section 5126.055 of the Revised Code 72093
that strikes through "5123.16" and inserts "5123.161" is not 72094
subject to the referendum. Therefore, under Ohio Constitution, 72095
Article II, Section 1d and section 1.471 of the Revised Code, the 72096
amendment goes into immediate effect. 72097

Section 821.16. (A) Except as otherwise provided in division 72098
(B) of this section, the amendments by this act to section 72099
5126.057 (5126.0511) of the Revised Code are not subject to the 72100
referendum. Therefore, under Ohio Constitution, Article II, 72101
Section 1d and section 1.471 of the Revised Code, the amendments 72102
take effect July 1, 2007. 72103

(B) The amendments to relettered division (A)(2) and (A)(4) 72104
of section 5126.057 of the Revised Code are not subject to the 72105
referendum. Therefore, under Ohio Constitution, Article II, 72106
Section 1d and section 1.471 of the Revised Code, the amendments 72107
go into immediate effect. 72108

Section 821.17. (A) Except as otherwise provided in division 72109
(B) of this section, the amendments by this act to section 5126.18 72110
of the Revised Code are not subject to the referendum. Therefore, 72111
under Ohio Constitution, Article II, Section 1d and section 1.471 72112
of the Revised Code, the amendments go into immediate effect. 72113

(B) The amendments to division (H) of section 5126.18 of the 72114
Revised Code are not subject to the referendum. Therefore, under 72115
Ohio Constitution, Article II, Section 1d and section 1.471 of the 72116
Revised Code, the amendments take effect July 1, 2007. 72117

Section 821.18. (A) Except as otherwise provided in division 72118
(B) of this section, the amendments by this act to section 5727.87 72119
of the Revised Code provide for or are essential to implementation 72120
of a tax levy. Therefore, under Ohio Constitution, Article II, 72121
Section 1d, the amendments are not subject to the referendum and 72122
go into immediate effect when this act becomes law. 72123

(B) The amendment to division (A)(2)(b) of section 5727.87 of 72124
the Revised Code is subject to the referendum. Therefore, under 72125
Ohio Constitution, Article II, Section 1c and section 1.471 of the 72126
Revised Code, the amendment takes effect on the ninety-first day 72127

after this act is filed with the Secretary of State. If, however, 72128
a referendum petition is filed against the amendment, the 72129
amendment, unless rejected at the referendum, takes effect at the 72130
earliest time permitted by law. 72131

Section 821.21. If the amendment or enactment in this act of 72132
a codified or uncodified section of law is subject to the 72133
referendum, the corresponding indications in the amending, 72134
enacting, or existing repeal clauses commanding the amendment or 72135
enactment also are subject to the referendum, along with the 72136
amendment or enactment. If the amendment or enactment by this act 72137
of a codified or uncodified section of law is not subject to the 72138
referendum, the corresponding indications in the amending, 72139
enacting, or existing repeal clauses commanding the amendment or 72140
enactment also are not subject to the referendum, the same as the 72141
amendment or enactment. 72142

Section 824.03. The General Assembly, applying the principle 72143
stated in division (B) of section 1.52 of the Revised Code that 72144
amendments are to be harmonized if reasonably capable of 72145
simultaneous operation, finds that the following sections, 72146
presented in this act as composites of the sections as amended by 72147
the acts indicated, are the resulting versions of the sections in 72148
effect prior to the effective date of the sections as presented in 72149
this act: 72150

Section 109.572 of the Revised Code as amended by both Am. 72151
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 72152

Section 111.18 of the Revised Code as amended by both Am. 72153
Sub. H.B. 94 and Am. Sub. S.B. 74 of the 124th General Assembly. 72154

Section 323.153 of the Revised Code as amended by both Am. 72155
H.B. 595 and Am. Sub. H.B. 672 of the 123rd General Assembly. 72156

Section 711.131 of the Revised Code as amended by both Sub. 72157

H.B. 231 and Sub. S.B. 115 of the 125th General Assembly.	72158
Section 2921.42 of the Revised Code as amended by both Sub. H.B. 150 and Am. Sub. H.B. 285 of the 120th General Assembly.	72159
Section 3301.0714 of the Revised Code as amended by Am. Sub. H.B. 79, Am. Sub. H.B. 137, Am. Sub. H.B. 276, and Am. Sub. H.B. 530 of the 126th General Assembly.	72160
Section 3313.64 of the Revised Code as amended Am. Sub. H.B. 137, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 238 of the 126th General Assembly.	72161
Section 3317.03 of the Revised Code as amended by both Am. Sub. H.B. 79 and Am. Sub. H.B. 699 of the 126th General Assembly.	72162
Section 3318.01 of the Revised Code as amended by both Am. Sub. H.B. 11 of the 125th General Assembly and Am. Sub. H.B. 16 of the 126th General Assembly.	72163
Section 5107.05 of the Revised Code as amended by Am. Sub. H.B. 283, H.B. 471, and Sub. S.B. 245, all of the 123rd General Assembly, and Am. Sub. H.B. 66 of the 126th General Assembly.	72164
Section 5748.01 of the Revised Code as amended by both Sub. H.B. 73 and Am. Sub. H.B. 699 of the 126th General Assembly.	72165
Section 5748.02 of the Revised Code as amended by both Am. Sub. H.B. 3 and Am. Sub. H.B. 530 of the 126th General Assembly.	72166
The finding in this section takes effect at the same time as the section referenced in the finding takes effect.	72167
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